



# REGULAR TOWN COUNCIL MEETING

Monday, July 19, 2021 at 7:30 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES
4. CONSENT AGENDA
  - a. **Approve Minutes of Regular Town Council Meeting of 06/21/2021**  
Exhibit: Agenda Report Number 4a
  - b. **Approve Minutes of Budget Workshop Meeting Minutes of 06/28/2021**  
Exhibit: Agenda Report Number 4b
  - c. **Approve Minutes of Special Town Council Meeting of 06/30/2021**  
Exhibit: Agenda Report Number 4c
  - d. **Memo from TM Matt Stinnett to discontinue payroll**  
Exhibit: Agenda Report Number 4d

#### Attachments:

- **Agenda Report Number 4d** (Agenda\_Report\_Number\_4a\_b\_c\_d.pdf)

5. ATTORNEY REPORT
6. STAFF REPORTS
  - a. Manager
  - b. Clerk
7. PUBLIC COMMENTS

Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required)

***Five (5) Minute Limit per Speaker***

8. PUBLIC HEARINGS / SPECIAL ORDERS
9. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING  
(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)
  - a. **Trails and Greenways Committee Request for Public Works Assistance (Memo)**  
Exhibit: Agenda Report Number 9a

**Attachments:**

- **Agenda Report Number 9a** (Agenda\_Report\_Number\_9a.pdf)

**b. Fall Fest Event with Waiver of Park Event Fees (ITM Morrell)**

Exhibit: Agenda Report Number 9b

**Attachments:**

- **Agenda Report Number 9b** (Agenda\_Report\_Number\_9b.pdf)

**10. ACTION ITEMS**

ORDINANCES: 2

RESOLUTIONS: 2

MISCELLANEOUS: 1

**a. Amend Code per new State Law on Home Businesses (Ordinance 2021-10)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; REPEALING SECTION 1-5.25 IN ARTICLE V OF THE LAND DEVELOPMENT CODE REGARDING HOME OCCUPATIONS; AMENDING ARTICLE II OF CHAPTER BY 14 ADDING A NEW SECTION 14.40.2 RELATING TO HOME BASED BUSINESSES; AMENDING SECTION 14-46 BY ADDING BY ADDING HOME BASED BUSINESSES TO THE BUSINESS TAX RECEIPT FEE SCHEDULE; AMENDING SECTION 14-45 REGARDING FEES FOR BUSINESSES NOT SPECIFFACLY INCLUDED IN THE FEE SCHEDULE; PROVIDING FOR REPEAL; PROVIDING FOR INCORPERATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 10a

**Attachments:**

- **Agenda Report Number 10a** (Agenda\_Report\_Number\_10a.pdf)

**b. Approve Amended Code related to Open Burning (Ordinance 2021-11)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 8 FIRE PREVENTION AND PROTECTION; AMENDING ARTICLE II SECTION 8-72 DEFINITIONS; AMENDING SECTION 8-73 REGARDING REQUIRED PERMITS; PROVIDING FOR REPEAL, SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 10b

**Attachments:**

- **Agenda Report Number 10b** (Agenda\_Report\_Number\_10b.pdf)

**c. Approve new Fee Resolution (Resolution 04-2021)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING FOR UPDATED ADMINISTRATIVE AND PERMIT FEES; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTION IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 10c

**Attachments:**

- **Agenda Report Number 10c** (Agenda\_Report\_Number\_10c.pdf)

**d. Approve 2020 Local Mitigation Strategy Plan with Brevard County (Resolution 05-2021)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; ADOPTING THE 2020 UPDATE OF THE BREVARD PREPARES LOCAL HAZARD MITIGATION STRATEGY (LMS) PLAN.

Exhibit: Agenda Report Number 10d

**Attachments:**

- **Agenda Report Number 10d** (Agenda\_Report\_Number\_10d.pdf)

**e. Form DR-420 - Tentative Maximum Millage and Public Hearing Date**

Exhibit: Agenda Report Number 10e

**Attachments:**

- **Agenda Report Number 10e** (Agenda\_Report\_Number\_10e.pdf)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

**11. DISCUSSION/POSSIBLE ACTION: 2**

**a. Discussion of Management Level Staff that Report to Council**

Exhibit: Agenda Report Number 11a

**Attachments:**

- **Agenda Report Number 11a** (Agenda\_Report\_Number\_11a.pdf)

**b. New Zoning Designation for Recreational Vehicle Park under FLU Designation of HDR (Ordinance 2021-09)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING A NEW ZONING DISTRICT FOR RECREATIONAL VEHICLE PARKS (RVP); AMENDING ARTICLE II, TABLE 1-2.1, TO PROVIDE SAME NEW ZONING UNDER HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION (HDR); AMENDING ARTICLE III, SECTION 1-3.1 BY CREATING A NEW SUBSECTION 1-3.1 "P"; AMENDING ARTICLE III, TABLE 1-3.2 TO INCLUDE RECREATIONAL VEHICLE PARKS; AMENDING SECTION 1-3.3, SIZE AND DIMENSION CRITERIA, SUBSECTION "A", AND BY CREATING A NEW SUBSECTION "G"; PROVIDING FOR AN APPLICATION AND OPERATIONAL PROCEDURES FOR RECREATIONAL VEHICLE PARKS; AMENDING ARTICLE III, TABLE 1-3.3(A) PROVIDING FOR SPECIFIC REFERENCE FOR RVP ZONING PER SUBSECTION "G"; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 11b

**Attachments:**

- **Agenda Report Number 11b** (Agenda\_Report\_Number\_11b.pdf)

**12. PUBLIC COMMENTS**

General Items (Speaker Card Required)

**13. REPORTS - MAYOR AND COUNCIL MEMBERS**

**14. ANNOUNCEMENTS**

(2) Vacancies on the Trails and Greenways Committee

**15. ADJOURNMENT**

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to ensure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105).

The Town does not provide this service. In compliance with F.S. 86.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

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Contact: Debby Franklin (townclerk@townofmalabar.org 321-727-7764) | Agenda published on 07/13/2021 at 4:38 PM

# TOWN OF MALABAR

## COUNCIL MEETING

AGENDA ITEM NO: 4.a., b., c. & d.

Meeting Date: July 19, 2021

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

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**SUBJECT:** Consent Agenda

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**BACKGROUND/HISTORY:**

Summary of Council actions at the Town Council Regular Meeting Minutes – 06/21/2021

Summary of Town Council Budget Workshop Meeting Minutes – 06/28/2021

Summary of Council actions at the Town Council Special Meeting Minutes – 06/30/2021

Memo from TM Matt Stinnett requesting discontinuance of further pay while on military duty

**ATTACHMENTS:**

- a. Draft Minutes of 06/21/2021
- b. Draft Minutes of 06/28/2021
- c. Draft Minutes of 06/30/2021
- d. Memo from TM Matt Stinnett

**ACTION OPTIONS:**

Council Action on Consent Agenda

**MALABAR TOWN COUNCIL REGULAR MEETING MINUTES**

**JUNE 21, 2021, 7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

**1. CALL TO ORDER:**

Council Chair, Mayor Patrick T. Reilly called meeting to order at 7:30 pm. CM Vail led P&P.

**2. ROLL CALL:**

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL

DAVID SCARDINO

DANNY WHITE

TOWN MANAGER: (ITM)

LISA MORRELL

TOWN ATTORNEY:

KARL BOHNE

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

**3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: none**

**4. CONSENT AGENDA:**

**4.a. Regular Town Council Mtg June 07, 2021**

**4.b. Special Town Council Mtg June 15, 2021**

**MOTION: CM Vail / CM White to approve consent agenda. VOTE: All Ayes.**

**5. ATTORNEY REPORT: Atty nothing.**

**6. STAFF REPORTS:**

**6.a. Town Manager – Quick update – Hunter Lane pre-construct mtg, this Wednesday. Waste Pro had some questions on the commercial side. Health Ins issue is before you tonight. Union contract is in progress. RVP regulations are on next P&Z mtg, and new playground will be here and begin installation in mid-August. GovDeals auction for Huggins Park is at 117K and has 7 more days.**

She is working on amend the ROW vacate to move from the LDC to Chapter 13, Streets and Roads, where it is needed. They had a great Code Enforcement meeting with SM and heard two cases and the Town prevailed in both. One had fines start then and run for thirty days and then the Town can hire a vendor to correct and then lien the property with the cost of compliance and the fines and administrative costs. Lien will remain until satisfied. The other case got a 30-day reprieve to bring compliance or fines will start on that one until compliance is met.

CM Acquaviva asked if when the details are known for the new trash service if we would do a significant news blast to residents to get the correct information out. ITM Lisa said she will be asking for as few changes as possible to minimize transition. CM White asked about Kelly Lane.

**6.b. Clerk – The annual FLC Conference is scheduled for August 12-14 at the Orlando World Center. It starts on Thursday at 1pm and will cover a variety of topics that affect municipalities. I must register you for the conference before I can make room reservations so, please let me know ASAP if you intend to attend. FLC is offering a quarterly dose of the Ethics training this Thursday via a webinar between 2-3pm. If you are interested, I will send you the link to register.**

**7. PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. (Speaker Card is Required) Five (5) Minute Limit

**8. PUBLIC HEARINGS: 2**

**8.a. Amend Chapter 2 of Code to Provide for Emergency Powers (Ord 2021-07)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE TOWN CREATING SECTIONS 2-400 THROUGH 405 "EMERGENCY POWERS"; PROVIDING FOR THE DESIGNATION OF A TOWN OFFICIAL IN THE EVENT OF AN EMERGENCY DEFINED HEREIN; PROVIDING FOR DEFINITIONS; PROVIDING FOR A DECLARATION OF EMERGENCY BY EXECUTIVE ORDER; PROVIDING FOR THE AUTHORITY OF THE DESIGNATED TOWN OFFICIAL; PROVIDING FOR THE DURATION OF AN EXECUTIVE ORDER FOR A DECLARED EMERGENCY; PROVIDING FOR THE POSTING OF ALL EMERGENCY ORDERS, ORDINANCES AND DECLARATIONS ON THE TOWN'S WEBSITE; PROVIDING LIMITATIONS ON ANY CURFEW ESTABLISHED; PROVIDING FOR REPEAL, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

**Exhibit: Agenda Report No. 8.a.**

Ord read by title only.

PH opened. No comments. PH closed.

**MOTION:** CM Acquaviva / CM Rivet to adopt Ord 2021-07.

Discussion – ITM Lisa said she recently attended a FMIT Hurricane prep seminar and learned the State has defined some 15 "non health" emergency titles and staff amended the ordinance to include them specifically since the first reading.

**ROLLCALL VOTE:** CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM White, Aye. Motion carried 5 to 0.

**8.b. Budget Amendment FY 2020/2021 (Ord 2021-08)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET AMENDMENT IN THE FISCAL YEAR 2020/2021 TO PROVIDE FOR ADDITIONAL FUNDS FROM RESERVES ON DEPOSIT SET ASIDE FOR CAPITAL PARK AND ROAD PROJECTS; PROVIDING FOR EXPENDITURES FOR NEW PLAYGROUND EQUIPMENT AND ROAD PREPARATION FOR THE PAVING OF 1100 FEET OF HUNTER LANE, PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ord read by title only.

PH opened. No comments. PH closed.

**MOTION:** CM Rivet / CM Vail to adopt Ord 2021-08.

**ROLLCALL VOTE:** CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM White, Aye. Motion carried 5 to 0.

**9. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING (RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES) 0**

**10. ACTION ITEMS:**  
**ORDINANCES for FIRST READING: 0**  
**RESOLUTIONS: 1**

**10.a. Appoint Alternate to Trails and Greenways Committee (Reso 03-2021)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF DICK KORN TO THE MALABAR TRAILS AND GREENWAYS COMMITTEE AS AN ALTERNATE MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit: Agenda Report No. 10.a.**

Reso read by title only. Chair said he had one speaker card.

Mayor/Council Chair Patrick Reilly passed the gavel to Vice-Chair Steve Rivet and stood down at the podium.

Patrick Reilly, 1985 Howell Lane, stated that Council should not rubber stamp appointments to Boards and Committees, and they should have a background that supports or benefits each board or committee. The T&G Committee is a very active and physical committee with trail clearing and maintenance and trailhead building, etc. Mr. Korn did not list any qualifications on his application. He has also demonstrated anger management issues.

MOTION: CM Vail / CM NONE to approve Reso 03-2021 for appointment. Motion failed with no second. No need for a vote.

## **MISCELLANEOUS: 2**

### **10.b. Approve Engineering Task Order – Rivet Lane Road Improvement Program**

**Exhibit: Agenda Report No. 10.b.**

Chair called on ITM Lisa to introduce this item.

EDC to do a task order to approve prior to what the road paving cost would actually be. 80% design and construction. Does not include geotechnical. Not to exceed 12,500 and could be less. If authorized to proceed, this will be budgeted for next fiscal year. CM Acquaviva asked and ITM Lisa confirmed it is better to have this info up front instead of doing a Budget Amendment later.

CM Rivet stated his disclosure that he lives on this road.

CM Vail said Hunter, Rivet and Smith are all very different roads with each one having unique issues. Smith Lane had many new road portions built to a higher standard than when Hunter was accepted. Hunter is a much older existing road that got accepted. Rivet is only half of road. So, they are all unique.

MOTION: CM White / CM Scardino to approve the Task Order to proceed in the next FY budget. Discussion – CM Vail said to put in perspective – the Town has not maintained them. The standard is adequate to improve for road acceptance is if paved at that time then there would not be an issue. But the Town has not budgeted for that kind of maintenance. They have used substandard fill and then went through a period of using millings which changes the makeup of the road and the ability to do future maintenance. There are a lot of factors – get it to the std and then put asphalt then PW is done.

VOTE: All Ayes.

### **10.c. Appoint Voting Delegate at the annual FLC Conference**

**Exhibit: Agenda Report No. 10.c.**

MOTION: CM Vail / CM Scardino to appoint/accept CM White as the voting member. VOTE: All Ayes.

### **10.d. Town Manager Matt Stinnett 8-month Update and Status**

**Exhibit: Agenda Report No. 10.d.**

Chair stated that he requested this after not receiving a response from TM Matt Stinnett after their conversation in February. He felt he and Council have a responsibility to account for all expenditures paid by taxpayers. It is a strong Council form of government.

Chair stated Council could accept the response from TM Matt Stinnett as satisfactory support for the continued payment, or suspend future payments until he returns to work, or propose an alternative position or action.

In his call he asked for a quarterly report for the first quarter and then his goals for the next quarter. He is regularly asked by residents and a prior council person for the status. Have we been getting product for what we have been paying him for?

CM Vail is trying to be more understanding of his situation and his talk with him today he indicated he has more access now. CM Scardino does not see the value we have been getting for the 1K per month. CM Rivet said Matt has committed to do better; he is ok with continuing but needs to see more action going forward. CM Acquaviva is up to speed now; she did not



realize he was getting a stipend. She was not upset from not hearing from he because he is serving our country.

CM Scardino said we have not had access to him. Town was not required to contact him. He needs to show he wants this job. CM Vail said the plan was to keep him involved via the phone and email so his experiences could be shared and what the ITM was doing could be shared. That was the intent. CM Acquaviva said she did not expect him to be doing that much, but did not know he was being paid, but he is serving our country.

Mayor said he did agree to be in communication in a limited manner. CM Vail said Matt will now be able to commit more time to Town business. Situation has played out and he is now more able to communicate. Mayor said he was going to participate from the beginning according to the July 2020 meeting minutes.

Mayor said Council can consider a motion to stop the \$500 biweekly pay. CM White said he bothered by this, and it is as much Council's fault. We should have pushed harder to make sure he stayed more involved. Not sure if he will be released to come back in September.

When CM White was in reserves, he was subject to weekends and two weeks a year. If they were to call him up to active duty, he would not have had the ability to choose. He has not read the orders. Did he raise any possibility with Army to participate or to say he is critical to the Town as the TM and cannot leave? What is our obligation? Mayor did talk to the labor lawyer. He left as an executive of our Town and needs to be brought back in an equal position. Can not ask for payback. All we have is the minutes of the July mtg. Mayor said he asked the Labor Atty if he could be brought back in a similar position, such as the Clerk/Treasurer. Labor Lawyer is looking at that possibility. He is entitled to be brought back in an equal position.

CM White said ITM Lisa is on contract only until 9/30. If he comes back in two months and then takes vacation. CM White said we have paid him \$1,000 per month for 8 months. He forgot he was the one that made the motion back then and Grant was the second on the motion. He accepted that money and that responsibility and we have gotten basically zero for it.

CM Scardino said he listed in the letter all the things that ITM Lisa has actually been working. Let us forget about the stipend based on the performance we have seen. CM Acquaviva was not part of all of this. When we hired the interim TM, who is proficient and amazing, but Matt is on a mission for the country. She was not expecting him to participate in the active way as TM. Did not realize he was being paid. What were we expecting from him? CM Scardino said he was not available and has not thought about conferring with Matt. He gets paid for serving the country. We hired an interim TM to do that. Maybe we should pay him – maybe not. CM Vail said he is willing to help with the budget. He has to be an integral part and is now willing and able. So, he is stepping up. There were shortfalls up till now. CM Rivet agrees with CM Vail. Lack of oversight and lack of proactive. Is there value in participating? Think we should continue.

CM Scardino said if he wants to do a project, he does not bill until he produces. When he is doing the job, it is his responsibility to stay in abreast. He looks at past performance. CM White agreed with CM Scardino. He hasn't done anything in 8 months. CM White said he will compromise and let it go one more month and then cut the stipend. No offense is intended to Matt or his service to our country. Asked him to do something that he cannot do. He is not demeaning his service but if he can't fulfill what he said he would do. CM Acquaviva did not know the expectations of the Town. Mayor said the ITM Lisa was going to do 32 hours per week and Matt would do 8 hours per week. CM Scardino is ok with revisiting this at the first meeting in August. CM White said he is not on the chopping block.

**MOTION:** CM White / CM Rivet to accept TM Matt Stinnett's response letter to the information request by the Council Chair but direct the mayor to be the point of contact for his future participation and revisit this at the first meeting in August (8/2/2021).

Discussion: CM Scardino said it might be possible that he be deployed for even a longer period. ITM Lisa is only committed until 9/30.

**VOTE:** All Ayes.

**10.e. Consideration of Employee Group Health Insurance through Florida Municipal Insurance Trust (FMIT) for United Health Plans**

**Exhibit: Agenda Report No. 10.e.**

Chair called on ITM Lisa. Lisa went over the three plans. Hugh Cotton is the broker of record that handled the contract for HFHP insurance coverage for employees. He has said that the cost would have gone up 20% if we had the option to renew with HFHP. Renewed one month earlier. Calendar is through the calendar year. EAP is very helpful. It is good for Town to keep the emp healthy. Crisis mgmt. Tele health. During the pandemic this would have been helpful. They do wellness health plan. ITM Lisa created a health insurance survey for Town employees to complete. UHC is nationwide - HF is only Brevard and they are leaving. UHF has the added benefit of being very affordable. HF for employers under 50 are being left. CM Acquaviva has two pharmacies and are part of the small business group plans that are being pulled from Brevard County. This is affecting 129,000 people in Brevard County. All these people are looking for insurance. United Health Care is a good nationwide program. CM Acquaviva said this is a good option for the Town.

**MOTION:** CM White / CM Vail to approve and direct the ITM to provide a forty-five (45) day written cancellation to Health First Health Plans, Gold and Platinum, and Hugh Cotton Insurance to coincide with coverage dates provided by FMIT to execute a contract to include group employee health plans with United Health Insurance Choice Plus Plans 1 and 3 and United Health Care Pharmacy Benefit. **VOTE:** All Ayes to proceed.

**MOTION:** CM Acquaviva / CM Rivet to approve and direct the Interim Town Manager to execute the policy contract for health insurance with FMIT to include group employee plans with Delta Dental PPO 1500 dental plan, and United Health Care Vision plan. **VOTE:** All Ayes.

**MOTION:** CM Rivet / CM Scardino to amend and approve the Town Policy 2020-TC/T-036. Council approved paying 80% of the monthly premium for health insurance to reflect the new calculation based upon UHC Choice Plus Plan, Employee Only. **VOTE:** All Ayes.

**Chair excused Attorney from participation in meeting.**

**11. DISCUSSION/POSSIBLE ACTION: 2**

**11.a. Discuss Legislative Priorities for Malabar and Need for Possible Legislative Appointee (CM Dave Scardino)**

**Exhibit: Agenda Report No. 11.a.**

The Legislative session starts early this year, in January 2022. The first committee meetings in Tallahassee start 9/24 there are six weeks of them ending the beginning of December. The importance of making connections with our County and State Representatives before the Brevard Delegation meets could be very helpful in getting State support for local issues, like our stormwater projects. I have provided samples of the legislative priorities from IHB and Melbourne, the County, a page from the most recent Quality Cities mag and the tentative agenda for the FLC Conference.

**MOTION:** CM Vail / CM White to approve the appointment of CM Dave Scardino to represent the Town to State and County representatives. **VOTE:** All Ayes.

**11.b. Discuss Upcoming Budget Workshop and July Meeting Dates**

**Exhibit: Agenda Report No. 11.b.**

Clerk wanted to remind Council that during the budget process there may be meetings that fall on days other than the regular 1<sup>st</sup> and 3<sup>rd</sup> Mondays. This is because we cannot hold our public hearings on the millage and budget on the same days as the school board or the county commission. We will be ready for the first budget WS on June 28 (next Monday) if that is still agreeable with Council. Staff will provide preliminary anticipated Ad Valorem and State revenues as well as getting priorities from Council on areas to fund for expenditures. The July 5 RTCM is cancelled due to the Federal Holiday, so the plan is to have one regular meeting in July on the 19<sup>th</sup> and then a possible budget workshop.

**MOTION: CM White / CM Scardino to approve the Budget WS on June 28 and July 26 and one regular meeting on July 19, 2021, VOTE: All Ayes.**

**12. PUBLIC COMMENTS: General Items (Speaker Card Required) None:**

**13. REPORTS – MAYOR AND COUNCIL MEMBERS**

CM Acquaviva: Nothing

CM Vail: Historical House restoration update. He spoke with the Manager of Home Depot about their activity and Manager told him the store is supporting Community Grant Funding for local projects. He said to make a list of everything and anything they need for the project and Home Depot will do everything they can to provide it all. Looks promising.

CM Rivet: Nothing

CM White: As Vice President for the SCLC, he has been working on changing the language in bylaws. When they promote an issue, it must be a county wide issue or concern. They are getting rid of the term "lobbyist" and "lobbying". SCLC will be doing advocacy. What CM Scardino will be doing is lobbying.

CM Scardino: Nothing

Mayor: Attended the Mayor's Breakfast last Friday. Fourteen of the sixteen Mayors attended. Thanked Council for the good discussion on TM status and update; appreciated their input and discussion.

**15. ANNOUNCEMENTS: Openings on T&G Committee.**

**16. ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 9 P.M.

BY: \_\_\_\_\_

Mayor Patrick T. Reilly, Council Chair

ATTEST:

\_\_\_\_\_  
 Debby Franklin, C.M.C.  
 Town Clerk/Treasurer

Date Approved: 07/19/2021

## MALABAR TOWN COUNCIL BUDGET WORKSHOP MEETING MINUTES

JUNE 28, 2021, 7:00 PM

This mtg of the Malabar Town Council was held at Malabar Town Hall, 2725 Malabar Road, Malabar, FL 32950.

### 1. CALL TO ORDER:

Chair, Mayor Patrick T. Reilly called the meeting to order at 7:00 pm and said P&P.

### 2. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL

DAVID SCARDINO

DANNY WHITE EXCUSED

TOWN MANAGER

LISA MORRELL

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

### 3. **Discussion of Council Priorities and Strategic Direction**

- **Capital Projects and Funding Priorities**

ITM Lisa Morrell went over the Power Point presentation and the accomplishments within this fiscal year. Council agreed it has been a successful year. The proposed millage rate was then discussed on what could be set with a majority vote (10% increase of RBR) or the maximum with a two-thirds vote. This will be an agenda item on July 19, 2021, so that we can complete the DR-420 and get it back to the Brevard County Property Appraiser before August 4, 2021, so it can go out on the Truth in Millage Notice (TRIM) they mail out to each property owner. Franklin explained that because each property owner is entitled to attend the Public Hearing to set millage rates, the TRIM notice lists all the various taxing agencies and when their hearings will be held. That is why our meeting to adopt the millage and budget cannot be on the same day as the County's or School Boards.

ITM Morrell stated that the ARP Funds are expected soon, and the estimate for the Town's portion is about 1.3 million. These funds must be spent on COVID-19 related expenses. ITM Morrell stated she will present a more in-depth review of the ARP funds.

ITM Morrell presented the expected revenues and discussed some shortfalls and overages. The State will be releasing their estimates early next month. After removing the enterprise funds revenues (Building Department & Stormwater) your general fund budget is about 1.772 million. The portion Council can control is the ad valorem. ITM Morrell went over the millage calculator and discussed growth patterns. After discussion, Council consensus was to move forward with the 10% increase rate. CM Vail states that the general consensus of residents is that they are willing to pay higher taxes if the Town spends it responsibly. If we propose a major increase, we need to be ready to defend it. CM Acquaviva states that cost of living is going up across the board. We should be cautious about increasing taxes because everyone is not back to work. CM Vail agrees that this may not be the best year for it, but maybe next year. Clerk Franklin states that a referendum ballot question takes a long time to develop, so if Council plans on doing one next year we should start soon.

ITM Lisa then went over the slide showing the priorities that staff is aware of and the Mayor asked if she could provide the corresponding estimated costs for the next meeting. ITM Morrell discussed the necessity for COLA raises, and the upcoming raise of the minimum wage. Mayor asked how many current Town employees are below the \$10 minimum wage? ITM Morrell states there are none, but there are several who will require wage increases before next year's minimum of \$11. ITM Morrell also notified Council that she is negotiation an agreement with the FD Union. This year, we were able to purchase several pieces of

Public Works equipment, replace the playground equipment, replace the playground mulch, and have ordered clay for the baseball field. We have also received a great update from SAI on our Stormwater Master Plan. CM Acquaviva acknowledged costs associated with a staff retirement. Clerk Franklin stated that there is a plan built into the budget already.

ITM Morrell asks Council what their goals for the next Fiscal Year are? We are already obligated to pay for the second half of the playground, we will have to increase our fuel costs, the Brook Hollow Bridge project needs attention, and we should assign priorities to our Stormwater Master Plan projects. CM Rivet suggests improving the stormwater ditches along Atz and Hall Roads. ITM Morrell asks if those ditches should be piped or open? CM Rivet said we can discuss the details later, but adequate drainage ditches along Hall and Atz Roads will greatly improve the stormwater situation. ITM Morrell stated the Public Works department is looking for some new equipment. Their Zero Turn mowers are nearing the end of their effective life. They should be able to trade the two old mowers for one new mower. CM Rivet asked what one new mower costs? ITM Morrell states one costs about 12 thousand dollars. The Fire Department is looking for grants to support Life Packs. We should budget for those and be relieved of the burden if the FD gets a grant. CM Rivet suggests spending extra funds on streets and roads, and stormwater. Those are the types of projects that have a direct effect on resident's lives. CM Scardino suggested budgeting extra funds for Code Enforcement. Mayor reminds Council that the Town is reactive on code enforcement. ITM Morrell states that there has been an improvement in Code Enforcement. A large portion of her time is spent on Code Enforcement, so it would not hurt to have an additional staffer in Town Hall to assist. The Clerk has three employees, Building Department has three employees, Town Manager is a one-person department. Mayor directs staff to seek recommendations from the Boards and Committees on the 5-year Capital Improvement Plan. CM Vail recommends including the resurfacing of Weber and Corey Roads in the 5-year plan, particularly Weber Road.

Council consensus was the priorities should continue to be streets and drainage. ITM Lisa said if we do nothing but mow/maintain the 52 miles of ditches it would take one year to make it through the Town. Council then discussed the need to form a referendum question to the voters to increase the millage significantly. We are the lowest in the County. Grant-Valkaria is lower on property, but they then pay a fire assessment, so it is actually more. Clerk Franklin will provide what the other cities millage rates are.

Council agreed to have the next Budget Workshop on August 16, 2021, at 7PM for 30 minutes before the next regular RTCM. Consensus was to not hold the workshop on the night of SCLC on August 9, 2021

Clerk Franklin requested Council set a Special Council Meeting for Wednesday June 30, 2021, to accept the sale of Huggins Park. Council agrees to hold a Special Town Council Meeting at 6:30 PM on 6/30/2021.

3. **ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:11 P.M.

BY: \_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

ATTEST:

\_\_\_\_\_  
Debby Franklin, C.M.C.  
Town Clerk/Treasurer

Date Approved: 7/19/2020

**MALABAR TOWN COUNCIL SPECIAL MEETING MINUTES  
JUNE 30, 2021, 6:30 PM**

This mtg of the Malabar Town Council was held at Malabar Town Hall, 2725 Malabar Road, Malabar, FL 32950.

**1. CALL TO ORDER:**

Chair, Mayor Patrick T. Reilly called the meeting to order at 6:30 pm and said P&P.

**2. ROLL CALL:**

CHAIR:

MAYOR PATRICK T. REILLY

VICE CHAIR:

STEVE RIVET

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL

DAVID SCARDINO

DANNY WHITE

TOWN MANAGER

LISA MORRELL

TOWN CLERK/TREASURER:

DEBBY FRANKLIN

**3. ACTION: Accept Final Auction Bid for Surplus land at 2540 Johnston Ave**

ITM Lisa Morrell went over the closing of the auction on GovDeals. They had over 7K visitors. Stayed open until 4:12 due to a last offer and then the three-minute response for a counteroffer. Started at 100K. It was advertised as RS-10 zoning permitting only residential use with a density of one home per 10,000sf lot. CM Rivet asked how many homes could be built. Franklin said based on the other minimum lot width requirements that would allow two homes fronting Nord Street and two homes fronting Johnston Avenue. ITM Lisa said that \$195,000.00 is the final sale price. All other costs will be paid by the buyer. Funds will be designated to Park reserves after paying for the new playground. Mayor asked if we know the buyer. Not at this time. CM Acquaviva asked if the offer is viable. ITM Lisa explained that they must pay a nonrefundable \$10,000.00 (NOTE: contract states 10% deposit) earnest payment within three to five days.

MOTION: CM Vail / CM Rivet to accept/approve the final bid of \$195,000.00 on the auction sale of 2540 Johnston Ave. VOTE: All Ayes.

**4. PUBLIC COMMENTS: General Items (Speaker Card Required): None**

**5. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 6:38 P.M.**

BY: \_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

ATTEST:

\_\_\_\_\_  
Debbly Franklin, C.M.C.  
Town Clerk/Treasurer

Date Approved: 7/19/2020



July 14, 2021

Mayor and Council Members,

Thank you for your discussion and allowing me to continue serving the Town at the June 21<sup>st</sup> RTCM. After significant consideration I have decided to decline any further payment from the Town for the remainder of time away and asked the Town Clerk to make this effective as of July 1, 2021. I will continue to make my best effort to assist with Town business as previously discussed. I believe given the lack of information we had on what my circumstances would be like while on this mission, this will provide a more equitable outcome for the Town. I hope that you will see this as a good faith effort on my part to keep the best interests of the Town on the forefront of my mind.

In addition, there has been an update regarding my return. The request for assistance (RFA) between the DOD and DHS has been completed and signed, the military units currently working on the border will be replaced. The process of selecting and training units has begun but we currently do not have a projected return date. My best guess is that our replacements will have taken over the mission by the middle of November.

Sincerely,

Matthew R. Stinnett MPA  
Town Manager

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 9.a**  
**Meeting Date: July 19, 2021**

**Prepared By: Richard W. Kohler, Deputy Clerk/Treasurer**

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**SUBJECT: Trails and Greenways Committee Request for Public Works Assistance**

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**BACKGROUND/HISTORY:**

- a. The Trails and Greenways Committee have made great progress at the Eagles Nest Trailhead (ENT).
- b. On 06/18/2021, the Trails and greenways Committee held a workday at the ENT to clear a fence line.
- c. During the 07/12/2021 Trails and Greenways Committee Meeting, the Committee voted unanimously to request assistance from the Malabar Public Works Department as detailed in Memo 2021-STC/T-07.

**ATTACHMENTS:**

- a. Memo 2021-DTC/T-07
- b. Draft Minutes of 07/12/2021
- c. Town of Malabar Building Permit #699

**ACTION OPTIONS:**

- a. Request approval of Public Works staff and equipment to assist in the development of the ENT.



# TOWN OF MALABAR

## MEMORANDUM

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**Date:** July 13, 2021 2021-DTC/T-07  
**To:** Honorable Mayor Patrick T. Reilly, Town Council, Town Manager  
**From:** Richard W. Kohler, Deputy Town Clerk/Treasurer  
**Ref:** Trails and Greenways Committee Request for Public Works Assistance

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During the July 12<sup>th</sup> Trails and Greenways Committee Meeting, the Committee voted to request assistance from the Town of Malabar Public Works Department. The Trails and Greenways Committee (T&GC) is currently working on the Eagles Nest Trailhead (ENT), located at 2345 Marie Street, directly north of the Town's Public Work storage yard. The next step in developing the ENT is installing a fence and improving the travel path through the Trailhead. The T&GC is requesting the Town of Malabar's Public Works Department be directed to assist in the development of the ENT. Such assistance requested would be:

- Donation of spoils dirt located at Public Works Marie Street storage yard.
- Transportation and placement of said spoils dirt at Trailhead.
- Use of Marie Street storage yard for overnight materials storage during work events.

**MALABAR TRAILS AND GREENWAYS COMMITTEE REGULAR MEETING**  
**July 12th, 2021, 6:00 PM**

This meeting of the Malabar Trails and Greenways Committee was held at Town Hall at 2725 Malabar Road.

**1. CALL TO ORDER, PRAYER AND PLEDGE:**

Meeting called to order at 6:00 P.M. Prayer and Pledge led by Chair Thompson.

**2. ROLL CALL:**

CHAIR:	DREW THOMPSON
VICE-CHAIR:	MURRAY HANN
BOARD MEMBERS:	ANNELIE HARVEY
	BOB WILBUR-EXCUSED
	BARBARA CAMERON-EXCUSED
BOARD SECRETARY:	RICHARD KOHLER

**3. ADDITIONS/DELETIONS/CHANGES**

TPO Mobility Bike ride added as agenda item G. **Motion by Harvey/Hann. Carries 3-0**

**4. CONSENT AGENDA**

**4.a. Regular Trails and Greenways Committee Mtg Minutes of 06/14/2021**

**Motion to accept by Harvey/Hann**

**All Ayes: Motion Carried 3-0 (all ayes).**

**5. PUBLIC COMMENTS: NONE**

**6. ACTION ITEMS: NONE**

**7. DISCUSSION**

**a. Trail, Kiosk, and Firebreak Conditions**

Vice-Chair Hann gave an update on the trails. The area is very wet, but the new bridges are still above the water and level. The rest of the trails are open and rideable. The EELS program repaired some of their old bridges. A second trail is being discussed near the GFT/TCT connector. Signage is getting old. Vice-Chair Hann recommends updating, and Chair Thompson suggest Vice-Chair Hann begin a list for next steps for the next meeting. Chair Thompson request that Updating Trail Signage be on the next T&GC Agenda. Maps for kiosks, in field kiosks, and a new map at the Cameron Trail Shelter. Do we also replace the "Yellow East" and "Yellow West" signs? Chair Thompson suggests reaching out to surrounding area HOAs.

**b. Eagles Nest Trailhead Update/Vendor Services for Fill Purchases**

Chair Thompson gave an overview of the goals achieved at the last trail day. It was decided to erect a fence with the materials already purchased by the Committee. Vice-Chair Hann suggests a small crew go out early and set up the area and have everything measured. Then host a large volunteer day to have already assigned tasks achieved. He states a 20-foot opening should be sufficient. Chair Thompson asks if there is a date in mind for the workday? He recommends Friday August 6<sup>th</sup> to install the posts, and Saturday August 7<sup>th</sup> to complete the fence. VC Hann asks how many of the posts will be cemented? He suggests cementing the end posts and the gates. Chair Thompson asks

if the PW Department would add fill to the fence line? Secretary Kohler states he will have the request heard at the next Council Meeting.

**c. Capital Improvement Plan Update**

Chair Thompson gave a brief overview on the history behind the request. The Chair states they plan on expending all of their budgeted funds on the ENT. Vice-Chair Hann suggests also including the "Zig-Zag Trail", Valkaria Town Connector Trail, possibly a second trail shelter in the Cameron Preserve, a rehab and continued maintenance of Sandhill Trailhead (which should be done every few) and a connector to Brook Hollow Sidewalk. Chair Thompson suggests a well and restroom at ENT.

**d. TCT/GFT Connector Trail Dedication Ceremony**

Secretary Kohler gave a brief overview of the dedication ceremony and the photos provided by Committee Member Cameron. Chair Thompson thanked the BMBA, the City of Palm Bay and Vice-Chair Hann for their efforts on this momentous project.

**e. Malabar Road Trail Crossing at Marie Street FDOT Request Update**

Secretary Kohler gave a brief overview of them e-mail chain included in the agenda packet.

**f. Next Field Event – T.B.D.**

Chair Thompson recommends Friday August 6<sup>th</sup> to install the posts, and Saturday August 7<sup>th</sup> to complete the fence.

**g. Mobility Week Bike Ride on Oct 30 request - TPO**

Chair Thompson informed the Committee he had been approached by a member of the Brevard TPO about Malabar hosting a bike ride on October 30<sup>th</sup> to commemorate Mobility Month. Secretary Kohler informed the Committee that that date is the preliminary date for the Town's FallFest. Vice-Chair Hann suggests 2 rides. Easy option on pavement and one off-road for advanced mountain bikers.

**9. OLD/NEW BUSINESS**

**a. Old Business:**

**b. New Business:**

- Next Regular Meeting- August 9<sup>th</sup>, 2021

**10. ADJOURN**

There being no further business to discuss;

MOTION Hann/Harvey . Vote: All Ayes. The meeting adjourned 7:35 PM.

BY:

\_\_\_\_\_  
Drew Thompson Chair

08/09/2021

Date Approved: as presented/corrected:

\_\_\_\_\_  
Richard W. Kohler, Board Secretary

Malabar, FL Permit # 699

Malabar FL <wo@iworq.net>

Tue 7/13/2021 9:31 AM

To: Richard Kohler <rkohler@townofmalabar.org>



MALABAR BUILDING & ZONING DEPARTMENT  
2725 Malabar Rd., Malabar, FL 32950; Phone: (321) 727-7764 x14, Fax: (321) 727-9997

### BUILDING PERMIT

PERMIT INFORMATION		LOCATION INFORMATION		
Permit #: 699	Issued: 05/07/2020	Address: 2345 MARIE ST MALABAR FL 32950		
Permit Type: Building		Township: 29	Range:	
Class of Work: LC - Land Clearing		Lot(s):	Block: 502	Section:
Proposed Use: RR-65		Book:	Page:	
Sq. Feet: 0	Est. Value:	Subdivision:		
Cost: 0	Total Fees: 0.00	Parcel Number: 29 3806-00-502		
Amount Paid: 0.00	Date Paid: 05/07/2020			

CONTRACTOR INFORMATION		OWNER INFORMATION	
Name: OWNER/BUILDER		Name: MALABAR, TOWN OF	
Addr:		Addr: 2725 MALABAR RD	
		MALABAR, FL 32950	
Phone: Lic: ST. CERT/. REG.		Phone:	

**Work Desc:** EAGLES NEST TRAILHEAD CLEARING FOR DRIVEWAY, PARKING AREA, AND FENCE INSTALLATION PER PLAN SUBMITTED WORK PERFORMED BY VOLUNTEERS OF TOWN'S TRAILS & GREEN WAYS COMMITTEE

#### APPLICATION FEES

#### INSPECTIONS REQUIRED

Land Clearing Group      Fences

#### WARNING TO OWNER:

**YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.**

Before building construction is started, approved sanitary facilities for workmen must be provided. It is the responsibility of the permit holder of each phase of work to procure inspections as required and to verify approvals prior to proceeding to the next phase.

In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of Brevard County, and there may be additional permits required from other government entities such as Water Management Districts, State Agencies or the Federal Government. It is the applicants responsibility to secure those permits.

In consideration of the granting of this Permit, the owner and builder agree to construct the structure in full compliance with the Florida Building Code and Zoning regulations of the Town of Malabar, Florida. This permit not refundable after 30 days.

**A CERTIFICATE OF OCCUPANCY MUST BE ISSUED BEFORE ANY BUILDING IS OCCUPIED**

Owner/Contractor/Agent      Date

Building Official      Date

Permits shall become void if work authorized does not maintain continual approval within six months of the date of the permit.

# TOWN OF MALABAR

## COUNCIL MEETING

AGENDA ITEM NO: 9.b  
Meeting Date: July 19, 2021

Prepared By: Lisa Morrell, Interim Town Manager

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**SUBJECT:** Consideration of Fall Fest Event and Program with Waiver of all Park Event Fees

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### **BACKGROUND/HISTORY:**

The Town of Malabar has historically held Fall Fest and Spring Fest Community Events at Malabar Community Park located at 1850 Malabar Road.

Staff is proposing the Town of Malabar to host Fall Fest on Saturday, October 30, 2021 as an open public event with a Halloween Trunk or Treat, invitation of Food Trucks and Live Music Performance commencing at 4pm and ending at 9:30pm. Ensuring a community event, staff welcomes registrations of persons to participate in the distribution of treats and decorated trunks in a safe space, an opportunity for the community and vendors to showcase their products, services, or community information to attendees by the approval of Town Council waiver of fees for participation while retaining any certificates of insurance or state licensure requirements.

Staff anticipates the necessity for advertising, treats, safety equipment (cones, barricades, tape, etc.), light towers, additional lavatories and wash stations, a public safety detail for traffic safety and attendee wellbeing. All expenses will follow the town's procurement policy for the budget FY21/22 budget line item.

Town staff will solicit and evaluate interested live music performers, via an application process and costs associated, to select a general audience venue to the lowest cost performer to a future council consideration.

The Town typically budgets \$5000 annually for events and would like Council to consider the viability of sponsorship on in-kind donations for recognition Fall Fest Banner for donations with a value of up \$100 and individual Town provided banners to sponsors categories of \$250, \$500, and \$1000 to be displayed at the event.

### **ATTACHMENTS:**

### **ACTION OPTIONS:**

Motion to approve the proposed event time and date, Fall Fest on Saturday, October 30, 2021 at Malabar Community Park and event programming, Trunk or Treat, Food Trucks, and live music and event expenditures not to exceed the approved budgeted amount.

Motion to approve the waiver of participant event fees and any certificates of insurance or state licensure requirements.

# TOWN OF MALABAR AGENDA ITEM REPORT

AGENDA ITEM NO: 10.a.  
Meeting Date: July 19, 2021

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

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**SUBJECT:** Amending Chapter 14 of Code regarding Home Businesses (Ord 2021-10)

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**BACKGROUND/HISTORY:**

The Governor signed HB403 in law with an effective date of July 1, 2021, that dramatically changes the ability of local government to regulate home based businesses. Attorney Karl Bohne submitted an email to staff with the recommendations to amend the sections of Malabar Code that conflict with the new law.

The ordinance Malabar adopted in 1974, amended in 1975, and then amended again in 1985 and 1987 is the same one we are operating under now.

The State Legislature opened a window in 1995 to allow cities to do an equity study to determine if their rates charged to local businesses was fair. If you did the study, you could increase the rates. Malabar determined that they did not need to do a study because their rates were fair. We use the same rates today that we did then.

The State has subsequently attempted over multiple years to repeal FS 205 which gives the local governments authority to establish a tax rate per business for the privilege of operating within the jurisdiction. They have been successful in granting exclusions for certain businesses like realtors and brokers from even holding a BTR. They have also continued to widen that exclusion by requesting the same for Insurance companies and certain specialty contractors. So far it has not been passed.

Until Malabar determines to do an equity study via the requirements set up in the statute and have a committee review and ultimately make a recommendation to Council to amend the rates or classifications, we will continue to be forced to use the rates adopted in 1987.

We have merged the Home Business operation into the Taxation section of the Code (Chap 14) and deleted the language we are not allowed to include.

**ATTACHMENTS:**

Ordinance 2021-10  
HB 403  
F.S. 205.0535

**ACTION OPTIONS:**

Action on first reading of Ordinance 2021-10.

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; REPEALING SECTION 1-5.25 IN ARTICLE V OF THE LAND DEVELOPMENT CODE REGARDING HOME OCCUPATIONS; AMENDING ARTICLE II OF CHAPTER 14 BY ADDING A NEW SECTION 14.40.2 RELATING TO HOME BASED BUSINESSES; AMENDING SECTION 14-46 BY ADDING HOME BASED BUSINESSES TO THE BUSINESS TAX RECEIPT FEE SCHEDULE; AMENDING SECTION 14-45 REGARDING FEES FOR BUSINESSES NOT SPECIFICALLY INCLUDED IN THE FEE SCHEDULE; PROVIDING FOR REPEAL; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, The Town Council for the Town of Malabar has determined that certain amendments to Chapter 14 of the Town code should be incorporated into the Code of Ordinances of the Town relating to business tax receipts; and

**WHEREAS**, the Florida Legislature adopted HB 403 relating to Home Business/Occupation Regulations; and,

**WHEREAS**, HB 403 Prohibits local governments from taking certain actions relating to the licensure and regulation of home-based businesses; and,

**WHEREAS**, the Town's Home Occupation regulations now appear to contain provisions which are contrary to HB 403; and,

**WHEREAS**, the Town council has determined that amendments to the Home Occupation Code of the Town are necessary to comply with HB 403.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA AS FOLLOWS:**

**Section 1:** Section 1-5.25 in Article V of the Land Development Code of the Town is repealed in its entirety.

**Section 2:** A new section 14-40.2 is hereby added to Article II of Chapter 14 to read as follows:

**"Section 14-40.2. Home Based Businesses occupations.**

Within the RR-65, RS-21, RS-15, RS-10, RM-4, RM-6, and R-MH districts, a home based business ~~occupation~~ shall be regulated through the issuance of a home ~~occupation~~ based Business Tax Receipt. A home occupation shall be subject to all applicable Town Business Tax Receipts and other business taxes. Each applicant shall submit to the Town Clerk a sworn application on a standard form furnished by the Town Clerk with a fee determined by resolution

of the Town Council. The applicant shall also submit with the application a recent photograph of the residence showing the entire front yard and all driveways and carports, if any. The application form shall include but not be limited to the following information:

- Name of applicant;
- Location of residence wherein the home business occupation, if approved, will be conducted;
- Total floor area of the first floor of the residence;
- ~~Area of room or rooms to be utilized in the conduct of the home business occupation~~
- A sketch showing the floor plan and the area thereof to be utilized for the conduct of the home business occupation;
- ~~The nature of the home occupation sought to be approved;~~
- The days and hours of operation;
- A recent photo of the dwelling showing the entire front yard, all driveways, and carports.

If the information contained therein is in compliance with the provisions or the intent of this Section, the Town may, in its discretion, issue a Business Tax Receipt for such home based business occupation. Any home occupation Business Tax Receipt may be revoked by the Council at any time it has been determined that the home occupation has become a public nuisance or no longer is in compliance with this Section.

All home based businesses occupation shall comply with the following regulations:

1. Place of Operation and Participants: A home business occupation shall be carried on entirely within a dwelling. Only members of the family permanently living therein shall participate in the home based business occupation except that up to a total of two employees or independent contractor's who do not reside at the residential dwelling may work at the business. The business may have 50 additional remote employees that do not work at the residential dwelling.
2. No Product to be Offered for Sale from an accessory building. No commodities or products shall be offered for sale from the premises. Retail transactions may only occur within the residential dwelling. In order to preserve the character, aesthetics, architectural and the use of the residential property so as to be consistent with the uses of the residential areas that surround the property, there shall be no display of goods visible from any street.
3. Restriction on Commercial Vehicles. No more than one commercial vehicles, having a maximum weight of one-ton that can be found at a similar residence without a home business, may be kept on the premises or parked overnight on the premises. Commercial vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surface at the residence. No parking or storage of heavy equipment at the residence shall be visible from the street or adjacent property. "Heavy equipment" means commercial industrial or agricultural vehicles, equipment or machinery.
4. Restriction on Use. The use of the dwelling unit for the home based business occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof. No home-based business shall occupy a residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters, which results in a situation where the home business becomes the primary use of the property and the residential use is secondary. A list of non-exclusive factors which may be considered are as follows:

a. Whether homestead tax exemption is maintained on the property;

b. The number of occupants of the dwelling compared to the number of bedrooms in the dwelling;



c. Whether the dwelling unit is owner/occupied;

d. Traffic generation to and from the property exceeds that which greater would normally be expected at a similar residence where no business is conducted;

e. Whether parking volume at the property exceeds that which greater would normally be expected at a similar residence where no business is conducted;

f. Whether the use of vehicles or trailers operated or parked at the business or on a street right-of-way, is greater than would normally be expected at a similar residence where no business is conducted.

5. Appearance of Structure and Signage. Within a rural residential or residential zoning district, there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation and there shall be no signage, other than signage ~~required~~ allowed by Florida Statute. There shall be no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.

~~6. No Home Occupation Activity Within Accessory Building. No home occupation shall be conducted in any accessory building. Incidental business uses and activities may be conducted at the property in accessory structures.~~

~~7. Restriction on Home Occupation Square Footage. No home occupation shall occupy more than twenty-five (25) percent of the first floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters.~~

~~No duly permitted residential structural additions to the dwelling nor any attached enclosed residential conversions shall be considered as floor area until two (2) years after the completion date thereof.~~

8. Traffic Generation and Off-Street Parking. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. ~~Parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. Parking related to the business activities of the home-based business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. The parking of vehicles and trailers shall conform to the parking requirements of the zoning district where the home-based business is located. Vehicles and trailers, if so permitted in the applicable zoning district, used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.~~

~~9. Use of Equipment, Including Power Motors. No motor power other than electric motors shall be used in conjunction with such home occupations. The total horsepower of such motors shall not exceed three (3) horsepower, or one (1) horsepower for any single motor.~~

10. Nuisance Impacts Regulated. In addition, no equipment or process shall be used in such home business ~~occupation~~ which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage off the premises.

~~11. Restriction on Number of Customers Serviced At Any One Time. Services shall be performed for no more than four (4) persons on the premises at any one time.~~

~~12. Prohibited Uses. Occupations which generate greater volumes of traffic than would normally be generated in a residential district are prohibited. The following shall not be interpreted to be home occupations:~~

- ~~• Beauty shops and barber shops.~~
  - ~~• Public dining or tea room facilities.~~
  - ~~• Child care facilities accommodating five (5) or more children.~~
  - ~~• Funeral homes.~~
  - ~~• Gift shops.~~
  - ~~• Massage parlors.~~
  - ~~• Nursing homes, group homes and adult congregate living facilities.~~
  - ~~• Medical laboratories.~~
  - ~~• Outdoor repair or storage.~~
  - ~~• Rental of any equipment or items.~~
  - ~~• Veterinary hospitals.~~
  - ~~• Similar uses not strictly in compliance with the provisions of this section.~~
  - ~~• Any commercial, industrial, or commercial agricultural use as defined in Section 1-2-6, excepting specific office activities duly approved by the Town Council.~~
- ~~13. Failure to continuously comply with all provisions of this subsection shall be grounds for revocation of the home occupation Business Tax Receipt by the Town Council."~~

**Section 3:** Article II of Chapter 14, Section 14-46 of the Code of Ordinances of the Town is hereby amended to include "Home Based Business" into the fee schedule I to read as follows:

**"Sec. 14-46. Business Tax Receipt fee schedule.**

The Business Tax Receipt fee which shall be paid by every person engaging or managing businesses, professions, or occupations for which a Business Tax Receipt is required is hereby fixed as follows:

A	
(1) Abstract/title companies/agencies	100.00
(2) Accounting/bookkeeping/auditing service, certified	100.00
(3) Accounting/bookkeeping/auditing service, noncertified	100.00
(4) Advertising:	
(a) Agents or agencies writing advertisements for profit	80.00
(b) Maintaining billboards or signboards upon which advertising is displayed either by permanent sign painted thereon or paper posted or attached thereto	200.00
(c) Outdoor advertising such as painted walls, bulletins, billposting, electrical displays, etc., for hire, per space, per year	50.00
(d) Contracting for advertising in, or on, buses or other public carriers	50.00
(5) Aircraft agency, including sales, service and for hire, new and used	200.00
(6) Aircraft, flying schools or flight lessons	100.00
(7) Ambulance service (not voluntary)	65.00
Each vehicle	50.00
(8) Amusements:	
(a) Arcade operations (in addition to stickers)	200.00
(b) Billiards, pool:	
First table	20.00
Each additional table	6.00
(c) Bowling alley, per year	31.25
In addition, for each lane	6.25
(d) Golf course	300.00

(e) Golf driving range	50.00
(f) Miniature Golf	50.00
(g) Machines, (coin-operated) games, devices, each	25.00
Any person or firm who leases or rents or places under any kind of arrangement any coin-operated machine, except checking lockers, toilet locks and U.S. stamp machines, shall pay a fee for each machine.	
(h) Machines (coin-operated) one or two penny, each	2.00
(i) Machine vending cigarettes	10.00
(j) Motion picture theater, indoor, initial screen	200.00
Each additional screen, per screen	100.00
(k) Motion picture theater, outdoor	200.00
(l) Park operator, amusement	225.00
(m) Public performance for profit:	
1. Animal show or ride (first day)	31.00
Each additional day	18.00
2. Carnivals, each per week or fraction thereof	1250.00
3. Circuses, each per day	375.00
4. Riding devices (other than coin-operated), each per day	20.00
(n) Rinks, skating, each per year	50.00
(o) Shooting galleries, each per year	100.00
Appliances, stoves, refrigerators, dishwashers, dryers, air conditioners, heating, etc., dealers or agents and service	200.00
(10) Artist	100.00
(11) Astronomers (where fee is charged)	50.00
(12) Auction house or shop	200.00
(13) Auctioneers:	
(a) Per year	130.00
(b) Per day (does not apply to holder of yearly license)	37.50
(15) Automobiles:	
(a) New vehicle, agency/dealer, each location	200.00
(b) Used vehicles, agency/dealer, each location	50.00
(c) Service station, does not include mechanic, service, or repair shop, per station	50.00
(d) Automobile storage:	
Per 1,000 square feet up to 2,000 square feet	25.00
Each additional 1,000 square feet or fraction thereof	6.00
(e) Automobile parking lot (parking space rental):	
2,000 square feet or less	20.00
Over 2,000 square feet	40.00
(f) Vehicles for hire (rent-a-car, courtesy car, etc.)	225.00
(g) Auto parts, used	40.00
(h) Auto accessories	100.00
(i) Auto-vehicle wrecker service	80.00
B	
(16) Bait, live	40.00
(17) Bakeries, retail	50.00

(18) Bakeries, wholesale	70.00
(19) Banks	150.00
(20) Barbershop:	
(a) First operator (chair)	12.50
(b) Each additional chair	9.00
(21) Bath, public (Turkish, Swedish, or mineral) or health center (see F.S. § 501.012)	70.00
(22) Beauty parlor or salon:	
(a) First operator (chair)	12.50
(b) Each additional chair	9.00
(23) Bicycles (repair only)	20.00
(24) Bicycles, dealer/rent, repair and/or sales	50.00
(25) Boats for hire	30.00
(26) Boats, sales, service/marina	80.00
(27) Bondsmen	130.00
(28) Book agents or canvassers (taking orders or selling books or magazines)	80.00
(29) Boot, shoe repair and shine shop	40.00
Bottled water sales, distributor (See Item 194)	20.00
(30) Bottling works	200.00
(32) Broker:	
(a) Mercantile broker/agent	100.00
(b) Stocks and bonds, broker/firm, or office	100.00
Stocks and bonds, per agent or salesman	50.00
(c) Real estate broker <i>BTR requirement deleted in 2012 with HB 7125</i>	75.00
Each salesman/agent <i>BTR requirement deleted in 2012 with HB 7125</i>	31.25
(d) Pawnbroker	300.00
(33) Building materials or supply dealer	50.00
(34) Bus company, private (local), each vehicle	20.00
(35) Bus terminal	200.00
(36) Business machines, cash registers, typewriters, etc. (Sales, rentals and service only. Not to include office supplies.)	80.00
C	
(37) Cabinet or carpenter shop	40.00
(38) Cake decorating	30.00
(39) Carpet and upholstery cleaners	80.00
(40) Catering services	70.00
(41) Claim and Collection Agencies	100.00
(43) Childcare nurseries, preschool	70.00
(42) Clairvoyant, fortuneteller, mind reader, etc.	110.00
(44) Cold storage, bulk storage	50.00
(45) Concrete plant or block plant	250.00
(46) Consulting service	50.00
(47) Contractor :	
(a) General (Class 1)	175.00
(b) Building (Class 2)	150.00
(c) Residential (Class 3)	125.00
(d) Street paving	175.00

(e) House moving and wrecking	175.00
(f) Subcontractors (see "Subcontractors")	50.00
(49) Credit association/unit (firm or corporation)	100.00
(50) Credit card company	200.00
D	
Day care centers (see "Childcare nurseries")	
(52) Dairy, milk distributors or producers	70.00
(53) Dance hall or ballroom	300.00
(54) Decorator, interior	70.00
(55) Delicatessen	30.00
(56) Detective agency:	
(a) Fee for agency	100.00
(b) Each investigator	70.00
(57) Directory, city (to engage in compiling city directory. Required to furnish all copies required by the city.)	200.00
(59) Dressmaking shops	30.00
(60) Drycleaners:	
(a) Plant in city	70.00
(b) Pickup station with plant in city	20.00
(c) Pickup station with plant out of city	60.00
(61) Dynamite or high explosive dealer (in addition to all other licenses)	50.00
E	
(63) Employment agency	70.00
Equestrian related activities (See Item 58 – Schools)	
(64) Equipment rental	100.00
(65) Express companies	80.00
(66) Exterminator, termite, and pest	130.00
F	
Factories (see "Manufacturer")	
(68) Fertilizer, agent or dealership	100.00
Fireworks, wholesale or retail	Prohibited
(70) Fish market	40.00
(71) Flea market	175.00
(72) Florist	50.00
Fortuneteller (see "Clairvoyant").	
(74) Fruit and vegetable stand, each (see section 14-30(c))	50.00
(75) Funeral homes (including undertaking and embalming), state license required	150.00
(76) Furniture dealer	100.00
G	
(77) Garage, vehicle repair and maintenance:	

(a) Operating separately	50.00
(b) In connection with another business for which annual license tax has been paid	25.00
(80) Gas company, natural	180.00
(81) Gas company, natural and bottled gas	180.00
(79) Gas distributors, bottled	180.00
(78) Gasoline, kerosene, and oil:	
(a) Delivered in containers or by tank truck	200.00
(b) Wholesale with storage facilities in city	200.00
(c) Retail distributors retaining from tank wagon under 300-gallon capacity	70.00
(d) Gasoline sales by pump, not in connection with garage or filling station, per pump, per year	30.00
(82) Glass, plate installation	100.00
Glass, plate (see "Merchants, storekeepers, etc.")	
(84) Gunsmith, sales and repair when in connection with another business	40.00
H	
(85) Handyman	100.00
(86) Hauling contractor:	
(a) Per vehicle	30.00
(b) Per vehicle with tandem axles	50.00
(87) Health center (must possess approval and license from state)	70.00
(88) Hospital, sanitarium, or nursing home, operated for profit (must possess approval and license from state):	
(a) Ten rooms or less	62.00
(b) Each additional room over 10 rooms	6.00
(89) Hotels, motels, apartments, boardinghouses, and lodging homes, per unit (Must provide license from the state division of hotels and restaurants, department of business regulations)	5.00
(90) Hypnotist	50.00
(90.1) Home Based Business (Moved from Article V of LDC)	50.00
I	
(91) Ice cream and cold drink stands:	
When operated separately	70.00
(92) Ice cream carts and wagons, each annually	30.00
(93) Ice cream manufacturers	80.00
(94) Ice manufacturers	80.00
(95) Ice peddling vehicle or machine, each	80.00
(97) Insurance or bonding agency	80.00
(a) Insurance adjuster (each)	100.00
(b) Insurance salesman (each)	50.00
(96) Insurance company	80.00
J	
(98) Janitor and commercial cleaning service	80.00
(99) Jewelry, watch and clock repair, when operated separately	50.00



(125) Muffler shop (sale and installation of mufflers only)	40.00
N	
(126) News bureau (representing newspapers published outside of the Town)	200.00
(127) Newspaper, daily (4 newspapers or more published per week)	200.00
(128) Newspaper, weekly, biweekly, or monthly	100.00
(129) Newsstand	30.00
(130) Nursery (trees, plants, shrubbery, etc.)	50.00
O	
(131) Office supplies and/or office furniture sales	70.00
P	
(132) Packing house (doing private order business)	50.00
(133) Paint and body shop	50.00
(135) Photocopy service	50.00
(136) Photofinishing, pickup station (when operated not in connection with another business)	50.00
(137) Photographers:	
(a) Resident	50.00
(b) Itinerant or transient	150.00
• Itinerant or transient photographer defined: For the purpose of this subsection, an itinerant or transient photographer is defined as one who does not regularly maintain his studio or place of business in the Town where the work of photographing, enlarging, copying, or coloring is conducted. Each agent or canvasser or solicitor representing an itinerant photographer shall pay the license fee for solicitors under this article.	
(138) Piano tuner:	
(a) Resident	20.00
(b) Itinerant	30.00
(139) Popcorn or peanut stand	10.00
(140) Printing, job printing	50.00
(141) Professionals	110.00
(a) Architects*	
(b) Attorneys	
(c) Chiropodists	
(d) Chiropractors	
(e) Computer programmers	
(f) Dentist	
(g) Electrologist	
(h) Electrolysis	
(i) Electrotherapist	
(j) Engineers*	
(k) Homeopathic physicians	
(l) Naturopaths	
(m) Oculists	



(n) Opticians	
(o) Optometrists	
(p) Osteopaths	
(q) Physicians	
(r) Psychiatrists	
(s) Surgeons	
(t) Veterinarians*	
(u) And other such professions	
*Must provide valid state certificate of registration.	
(142) Public relations	100.00
Public scales, coin-operated (see "amusements," item g.)	
(143) Public scales, truck weighing	20.00
(145) Pulpwood dealers	50.00
R	
(146) Radio and TV repair (for sales, see merchant)	80.00
(147) Radio and television stations	200.00
(148) Railroad companies	375.00
Real estate appraiser <i>BTR requirement deleted in 2012 with HB 7125</i>	100.00
Real estate broker <i>BTR requirement deleted in 2012 with HB 7125</i>	
(151) Reducing salon (see F.S. ch. 501.012)	50.00
(152) Repair of small appliances	40.00
(153) Restaurants:	
(a) First 50 chairs	40.00
(b) Each additional chair or seating space over 50 (Private boarding houses, 5 chairs or less are exempt. Must provide license from the division of hotels and restaurants, state department of business regulation.)	
(c) With alcoholic beverage sales, additional	20.00
(154) Restaurants, snack bars, fast food services, which maintain no seats	70.00
(155) Fishing equipment / Rod and reel repair	50.00
S	
(156) Sanding and finishing of floors	80.00
(157) Savings and loan associations	150.00
(158) Schools (such as dancing, business or commercial, beauty or barber, Dog training, music, physical ed, horse riding, driving, etc.)	50.00
(159) Secondhand dealer (to buy or sell secondhand merchandise, clothing, furniture, etc.)	70.00
(160) Selling, when not specifically covered herein. Persons selling magazines, bibles, encyclopedias, cosmetics, kitchenware, etc., and other door-to-door salespersons shall pay a fee; except those representing charitable organizations which are recognized as such by the Internal Revenue Service.	
(a) Per day	25.00
(b) Per year, maximum of	130.00
(161) Septic tank cleaners	60.00
Service station (see "Automobiles," item 15. c.).	

(163) Sewing machine/vacuum cleaners, dealers, and/or agents and service	80.00
(164) Shoeshine parlor	20.00
(165) Sign painters:	
(a) Resident	50.00
(b) Itinerant	100.00
(166) Solicitors and canvassers, per year	130.00
(167) Sports places and arenas	500.00
(168) Sprinkler system, selling and/or installing irrigation systems	150.00
(169) Stenographer, public and court reporter	30.00
(170) Storage and warehouse, public, with no business conducted on premises	100.00
Per unit, additional	10.00
(171) Subcontractors, including, but not limited to carpentry, painting, roofing, sheet metal, electrical, concrete construction, masonry, and plastering, lathing, clearing grading, etc.	50.00
(172) Surveyor (must have valid certificate of registration issued by the state)	70.00
T	
(173) Tailors	30.00
(174) Taxi or limo service	200.00
Plus, Each vehicle	30.00
(175) Taxidermists	80.00
(176) Telegraph systems and companies	200.00
(177) Telephone systems and companies	500.00
(178) Television cable systems and companies	225.00
Theater, movie (see "amusements," items 8. j. and k.).	
(180) Tire and recapping service:	
(a) Resident	50.00
(b) Itinerant	100.00
(181) Tourist camps or courts, each guest room	5.00
(182) Towel and linen supply	100.00
(183) Trading stamps	200.00
• To engage in the business of selling or furnishing to merchants or others, checks, tickets, or stamps, commonly known as trading stamps, on the terms of agreement to redeem them by exchange of goods, wares, or merchandise for them or otherwise.	
(184) Trailer, U-Haul, and similar operations	70.00
(185) Trailer camps, RV parks, per space	5.00
(186) Tree surgery - Arborist	50.00
(188) Truck lines (receiving and/or delivery) freight or express	150.00
(187) Trucks (temporarily conducting business in the Town and whose activity is not otherwise enumerated herein)	80.00
(189) Typing service	30.00
U	
(190) Upholsterers or furniture menders	50.00
V	

(163) Vacuum cleaner / Sewing Machines /, dealer or agents and service	80.00
W	
(192) Warehouse, with a business conducted on the premises . . . Watch repair (see Item 99)	80.00
(194) Water, bottled: (Pre-empted to the State)	
(a) Resident sales, distribution	50.00
(b) Nonresident sales, distribution	100.00
(195) Welder	40.00
(196) Well drillers	30.00
(197) Wholesale distribution center:	
First 10 employees	80.00
Each additional employee over 10 employees	5.00
(198) Wrestling or boxing (to promote or hold wrestling or boxing matches)	2100.00
(199) Equestrian related Boarding Stable	75.00

...

**Section 4:** Article II of Chapter 14, Section 14-45 is amended to read as follows:

**“Sec. 14-45. Fee for business not specifically included in schedule.**

Every business, ~~fixed or temporarily engaged in by any person, whether in a building or tent, or upon a street, vacant lot or anywhere within~~ in the Town not herein specifically designated shall pay a fee of three hundred dollars (\$300.00).”

**Section 5:** All ordinances, or parts of ordinances in conflict herein are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

**Section 6:** It is the intention of the Town Council that the provisions of this ordinance shall be made a part of the Code of Ordinances of the Town and the sections may be renumbered to accomplish such intention.

**Section 7:** This ordinance shall become effective immediately upon its adoption.

This Ordinance was moved for adoption by Council Member \_\_\_\_\_. This motion was seconded by Council Member \_\_\_\_\_ and, upon being put to vote, the vote was as follows:

Council Member Marisa Acquaviva	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member David Scardino	_____
Council Member Danny White	_____

This Ordinance was then declared to be duly passed and adopted this \_\_\_\_ day of

\_\_\_\_\_, 2021.

(seal)

By: TOWN OF MALABAR

\_\_\_\_\_  
Mayor Patrick T. Reilly,  
Council Chair

1st Reading \_\_\_\_\_

2nd Reading \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Debby K. Franklin, C.M.C., Town Clerk/Treasurer  
Town Clerk/Treasurer

Approved as to form and content:

\_\_\_\_\_  
Karl W. Bohne, Jr., Town Attorney

# TOWN OF MALABAR

## COUNCIL MEETING

AGENDA ITEM NO: 10.b.

Meeting Date: July 19, 2021

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

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**SUBJECT: Amend Chapter 8, Open Burning (Ord 2021-11) First Reading**

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**BACKGROUND/HISTORY:**

This is a housekeeping improvement to the Chapter on open burning to assist staff on when a burn permit is required and when it is not.

**ATTACHMENTS:**

Ordinance 2021-11

**ACTION OPTIONS:**

Council Action on First Reading

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 8 FIRE PREVENTION AND PROTECTION; AMENDING ARTICLE III SECTION 8-72 DEFINITIONS; AMENDING SECTION 8-73 REGARDING REQUIRED PERMITS; PROVIDING FOR REPEAL, SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Malabar, Brevard County, Florida, as follows:

**SECTION 1. AMEND:** Section 8-72 of Article III of Chapter 8 of the Code of Ordinances of the Town is amended to include the following new definition;

**“Sec. 8-72 Definitions.**

...

Open Burning means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

...

**SECTION 2. AMEND:** Section 8-73 of Article III of Chapter 8 of the Code of Ordinances of the Town is amended as follows:

**Sec. 8-73. - Permit required to burn.**

- (a) It shall be unlawful for any person to conduct and open burn, a non-containerized burn, of any kind within the Town without first obtaining a written permit from the Chief of the Fire Department or his assigned designee.
- (b) All persons obtaining burnings permits will follow all FDACS regulations, FFS regulations, and/or the requirements of this article. If the requirements of this article differ from the requirements of the FDACS or the FFS, the more stringent requirement shall apply.
- (c) Recreational Open burning of vegetative debris and untreated wood in a contained fire ring no larger than 3x3, examples: campfire, ceremonial bonfire, outdoor fireplace, or other contained outdoor heating or cooking device, or on cold days for warming of outdoor workers is allowed on private property. A permit is required on town property. All fires must be attended.

...

**SECTION 2. REPEAL.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances or resolutions not in conflict herewith are hereby continue in full force and affect.

**SECTION 3. SEVERABILITY.** In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of this ordinance shall not be affected, and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

**SECTION 4. CODIFICATION.** It is the intention of the Town Council of the Town of Malabar, Brevard County, Florida, and it is hereby provided that the provisions of this ordinance shall become and made part of the Code of Ordinances of the Town of Malabar.

**SECTION 5. EFFECTIVE DATE.** The ordinance shall take effect immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council Member \_\_\_\_\_. The motion was seconded by Council Member \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

- Council Member Marisa Acquaviva \_\_\_\_\_
- Council Member Brian Vail \_\_\_\_\_
- Council Member Steve Rivet \_\_\_\_\_
- Council Member David Scardino \_\_\_\_\_
- Council Member Danny White \_\_\_\_\_

**PASSED AND ADOPTED** by the Town Council, Town of Malabar, Brevard County, Florida this \_\_\_\_ day of \_\_\_\_\_, 2021

BY:  
**TOWN OF MALABAR**

\_\_\_\_\_  
Mayor Patrick T. Reilly,  
Council Chair

(Seal)

First Reading: 7/19/2021 Vote: \_\_\_\_ to \_\_\_\_.  
Second Reading: \_\_\_\_\_.

**ATTEST:**

By \_\_\_\_\_  
Debby K. Franklin, C.M.C.  
Town Clerk/Treasurer

Approved as to form and content:

\_\_\_\_\_  
Karl W. Bohne, Jr., Town Attorney

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 10.c.  
Meeting Date: July 19, 2021**

**Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer**

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**SUBJECT: Amending Administrative Fees (Reso 04-2021)**

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**BACKGROUND/HISTORY:**

Council should adopt and regularly update their fee schedule to ensure it is covering the actual costs expended.

**ATTACHMENTS:**

Resolution 04-2021

**ACTION OPTIONS:**

Action of Reso 04-2021.



**RESOLUTION 04-2021**

**A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO THE AMENDMENT OF ADMINISTRATIVE AND PERMIT FEES REQUIRED TO BE ESTABLISHED BY VARIOUS ORDINANCES OF THE TOWN OF MALABAR; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Malabar’s Code of Ordinances requires assessment of various administrative and permit fees; and

**WHEREAS**, the Town of Malabar’s Ordinances and Land Development Code require that the Town Council for the Town of Malabar impose said administrative fees; and

**WHEREAS**, the Town Council of the Town of Malabar has determined that a revision to the administrative fee schedule is appropriate to update fees to cover the actual costs of professional review, administrative time, legal advertising and mailing costs for notices.

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1. ADMINISTRATIVE FEES.** The Town of Malabar does hereby revise administrative fees in accordance with the Town of Malabar’s Code of Ordinance and Land Development Code to more accurately reflect the actual costs in 2021.

**A.**

Conditional Use Permit Application	\$175.00 plus site plan review fee
Contractor Registration Fee:	\$40.00
Culvert Permit:	\$100.00 plus actual engineering
Development Agreement:	\$500.00
Dirt Road Construction Application:	Street Length up to 200 feet - \$800.00 Street Length up to 400 feet - \$825.00 Street Length up to 600 feet - \$890.00 Street Length up to 800 feet - \$930.00 Street Length up to 1000 feet - \$1010.00 Street Length up to 1200 feet - \$1080.00 Street Length up to 1400 feet - \$1120.00
<b>Drainage</b>	<b>Applicable engineering fee</b>
Final Plat S/D Review	\$1,200.00
<b>Fire Inspection</b>	<b>Actual cost of Fire Marshal plus Administration</b>
Future Land Use Map Designation Change:	\$300.00 plus rezoning fee
Golf Cart Registration	\$50.00 One-time fee and no renewal fee
Land Clearing:	\$100.00 for the 1st acre plus \$10.00 per additional acre or portion thereof <b>plus actual engineering</b>
Planned Unit Development (PUD) review:	\$900.00 plus \$40.00 per acre

Planned Unit Development (PUD) final:	\$900.00 plus \$40.00 per acre
Pond Permit:	Engineering costs only for ponds <1/4 acre; \$25.00 per 1000 sq. ft. of pond area for ponds over 1/4 acre in size plus engineering costs
Pre-Construction Conference for S/D or Commercial Development	\$300.00
Preliminary Plat S/D Review	\$1,500.00
Request for Council Action on an Item not specifically provided for in the administrative fee schedule regarding matters of land development	\$300.00
Residential lot fill permits:	\$100.00 <b>plus engineering</b>
Rezoning Request: Commercial	\$1,500.00 for the 1st acre plus \$10.00 per each additional acre or portion thereof
Rezoning Request: Residential	\$625.00 for the 1st acre plus \$10.00 per each additional acre or portion thereof
<u>Road Improvement Waiver Application - Commercial Purposes</u>	\$1,500.00
<u>Road Improvement Waiver Application - Residential Purposes</u>	\$300.00
Road Naming / Renaming Requests:	\$50.00
Road Vacate and Abandonment Requests:	\$425.00
Site Plan minor modification	\$150.00
Site Plan Pre-Application Conference (mandatory): except SFR	\$500.00
Site Plan Review:	\$900.00 for 1st acre plus \$50 for each additional acre or portion of acre
Special Exception:	\$175.00 plus site plan review fee
Subdivision S/D or Commercial Development Pre-Ap Conference (mandatory)	\$1,500.00
Tree Removal – Multiple	\$150.00 <b>plus actual engineering and mitigation</b>
Tree Removal - Type IV Permit - dead, diseased or in fire buffer	No Charge
Variance Request to Board of Adjustment: Commercial	\$1,750.00
Variance Request to Board of Adjustment: Residential	\$800.00
Written zoning verification or for the availability of Town Services	\$50.00
<b>Staff Property Research</b>	<b>\$50.00 per inquiry</b>

B. No permit, certificate, or other related document, and no inspections, public notice, or other action shall be instituted until such fees, costs, and charges have been paid. When in accordance with Town codes, a fee is paid, and registration submitted, there shall be no return or rebate of any funds so received, regardless of the Town's determination in the subject matter. All fees, costs, and charges shall be, upon collection, deposited in the appropriate fund of the Town.

**SECTION 2. CONFLICTS.** All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this resolution.

**SECTION 3. SEVERABILITY.** In the event a court of competent jurisdiction shall hold or determine that any part of this resolution is invalid or unconstitutional, the remainder of the resolution shall not be affected, and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this resolution without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member \_\_\_\_\_. The motion was seconded by Council Member \_\_\_\_\_ and, upon being put to a vote; the vote was as follows:

Council Member Marisa Acquaviva	_____
Council Member Brian Vail	_____
Council Member Steve Rivet	_____
Council Member David Scardino	_____
Council Member Danny White	_____

This Resolution was then declared to be duly passed and adopted this 19th day June 2021.

**TOWN OF MALABAR**

By:

(seal)

\_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

ATTEST:

\_\_\_\_\_  
Debby Franklin, C.M.C.  
Town Clerk/Treasurer

Approved as to Form and Content:

\_\_\_\_\_  
Karl W. Bohne, Jr.,  
Town Attorney

# TOWN OF MALABAR

## AGENDA ITEM REPORT

AGENDA ITEM NO: 10.d.

Meeting Date: July 19, 2021

Prepared By: Debby Franklin, C.M.C. Town Clerk/Treasurer

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**SUBJECT:** Approve Reso 05-2021 Adopting and Supporting the Malabar Portion of the Space Coast Local Mitigation Strategy

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**BACKGROUND/HISTORY:**

We have participated with the County in the past on having our part of the Space Coast Local Mitigation Strategy included in the report to the State. In the past if funds became available we applied for projects that would mitigate future losses, such as hurricane shutters for town hall and the fire department. We also applied for a backup generator for town hall. The fire department already has one.

A representative from the County's Natural Resources Management Office will be in attendance to answer any questions.

**FINANCIAL IMPACT:**

N/A

**ATTACHMENTS:**

Reso 05-2021

Agenda Report from the County staff

Updated Mitigation-Related Strategies

**ACTION OPTIONS:**

Staff requests Action on Reso 05-2021

## RESOLUTION 05-2021

### A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADOPTING THE 2020 UPDATE OF THE BREVARD PREPARES LOCAL HAZARD MITIGATION STRATEGY (LMS) PLAN.

WHEREAS, the Town of Malabar is vulnerable to the human and economic costs of natural, technological and societal disasters, and

WHEREAS, Malabar Council recognizes the importance of reducing or eliminating these vulnerabilities for the overall good and welfare of the community, and

WHEREAS, the Town of Malabar has been an active participant in the Brevard Prepares LMS Steering Committee, which has established a comprehensive, coordinated planning process to eliminate or decrease these vulnerabilities, and

WHEREAS, Malabar's representatives and staff have identified, justified a number of proposed projects and programs needed to mitigate the vulnerabilities of the unincorporated areas of Brevard to the impacts of future disasters, and

WHEREAS, these proposed projects and programs have been incorporated into the updated 2020 edition of the Brevard Prepares LMS that has been prepared and issued for consideration and implementation by the communities of Brevard County.

WHEREAS, the Brevard County 2020 LMS is in compliance with the local hazard mitigation requirements of Section 322 of the Disaster Mitigation Act of 2000 (DMA2K) as implemented in 44 C.F.R., Part 201; and

WHEREAS, approval and adoption of the LMS is necessary in order to maintain eligibility for future hazard mitigation project grant funding.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, as follows:

**Section 1.** The Malabar Council accepts and approves of the 2020 Brevard Prepares Local Hazard Mitigation Strategy (LMS) Plan.

**Section 2.** The agency personnel of the Town of Malabar are requested and instructed to pursue available funding opportunities for implementation of the proposals designated herein.

**Section 3.** The Malabar Council will, upon securing such funding or other necessary resources, seek to implement the proposals contained in its section of the strategy.

**Section 4.** The Town of Malabar will continue to participate in the Brevard Prepares LMS Steering Committee to update and expand the Brevard Prepares LMS.

**Section 5.** The Malabar Council will further encourage other businesses, industries, and community groups within Brevard to participate in Brevard Prepares to support the Brevard Prepares LMS.

**Section 6.** This resolution shall take effect immediately upon the enactment date.

This Resolution was moved for adoption by Council Member \_\_\_\_\_ the motion was seconded by Council Member \_\_\_\_\_, and being put to a vote, the vote was as follows:

- Council Member Marisa Acquaviva
- Council Member Brian Vail
- Council Member Steve Rivet
- Council Member Danny White
- Council Member David Scardino

This Resolution was then declared to be duly passed and adopted this 19th day of July, 2021.

TOWN OF MALABAR

By:

\_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

ATTEST:

\_\_\_\_\_  
Debby Franklin; CMC  
Town Clerk/Treasurer

(seal)

Meeting Date
8/25/20



AGENDA	
Section	Consent
Item No.	

**AGENDA REPORT**  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Resolution: Brevard County Local Hazard Mitigation Strategy (LMS)		
DEPT/OFFICE:	Public Safety/Emergency Management		
Requested Action:	It is requested the Board approve a resolution adopting the Brevard Prepares Local Hazard Mitigation Strategy.		
Summary Explanation & Background:	<p>Every five years, the Local Mitigation Strategy (LMS) is required to be updated and submitted to the Federal Emergency Management Agency (FEMA) for review and approval. In this cycle, that review and approval process was delegated from FEMA to the Florida Division of Emergency Management (FDEM). FDEM has determined that Brevard County has developed and submitted all the necessary plan revisions, is compliant with federal standards, and is ready for formal community adoption. In addition to the County, each participating jurisdiction must pass a resolution and the LMS.</p> <p>An approved and adopted LMS is a requirement for state and local governments, in order to receive Hazard Mitigation Grant Program funding following a Presidential Disaster Declaration, per the Robert T. Stafford Disaster Relief Act and the Code of Federal Regulations.</p> <p>Additional benefits to having a local hazard mitigation strategy are that it:</p> <ol style="list-style-type: none"> <li>1. Increases public awareness and understanding of vulnerabilities as well as support for specific actions to increase resiliency and reduce losses from future natural disasters.</li> <li>2. Builds partnerships with diverse stakeholders increasing opportunities to leverage data and resources in reducing workloads as well as achieving shared community objectives.</li> <li>3. Expands understanding of potential risk reduction measures to include structural and regulatory tools, where available, such as ordinances and building codes.</li> <li>4. Allows for development, prioritization, and implementation of mitigation projects. Projects are designed to accrue cost benefits and increase community resiliency, as losses are reduced after each hazard event.</li> </ol> <p><b>Fiscal Impact:</b> None</p>		
Clerk to the Board Instructions:			
Exhibits Attached:	LMS Resolution, LMS Executive Summary, LMS Approval Pending Adoption letter from FDEM, and the LMS		
Contract /Agreement (If attached):	Reviewed by County Attorney	Yes <input type="checkbox"/>	No <input type="checkbox"/> PR <input type="checkbox"/>
County Manager	Assistant County Manager	Department Director / Extension	
Frank Abbate			

## LMS Executive Summary

The development and implementation of a local mitigation strategy provides a mechanism to address issues that will reduce or eliminate exposure to hazard impacts. Due to the importance of avoiding or minimizing the vulnerabilities to these hazards, the public and private sector interests of Brevard County have joined together in **Brevard Prepares**. Brevard Prepares Steering Committee has undertaken a comprehensive planning process in conjunction with Brevard County Emergency Management, culminating in the publication of this 2020 update of the “Brevard County Local Mitigation Strategy.”

This is a multi-jurisdictional hazard mitigation plan, and the planning effort has been conducted through the coordinated, cooperative effort of local governments and other organizations and agencies within Brevard County. The local governments include the City of Cape Canaveral, the City of Cocoa, the City of Cocoa Beach, the Town of Grant-Valkaria, the Town of Indialantic, the City of Indian Harbour Beach, the Town of Malabar, the City of Melbourne, the Town of Melbourne Beach, the City of Palm Bay, the Town of Palm Shores, the City of Rockledge, the City of Satellite Beach, the City of Titusville, the City of West Melbourne and Brevard County.

Other key participant organizations and agencies involved with this project include Waste Management, Canaveral Port Authority, St. John’s River Water Management District (SJRWMD), Harris Corporation, Florida Institute of Technology, and Brevard Public Schools.

For this 2020 update, a new hazard and risk analysis was completed by Brevard County Emergency Management in cooperation with partner jurisdictions. Brevard Prepares Steering Committee worked to identify, justify and prioritize specific proposals for projects and programs that will avoid or minimize these vulnerabilities in the future. These proposed projects and programs are also referred to as “Mitigation Initiatives” in this document.

This update has been submitted to the Florida Division of Emergency Management (FDEM), who also has the authority to review the document on behalf of the Federal Emergency Management Agency (FEMA), for review in comparison to the requirements from the Local Mitigation Plan Review Guide, revised by FEMA in October 2011. Once a decision has been made that the updated plan adequately addresses these requirements, the plan will be submitted to the participating jurisdictions’ governing Brevard County Local Mitigation Strategy Aug 11, 2020 bodies for formal adoption and approval. Adoption resolutions can be found in Appendix VII.

The final draft plan will be submitted to the governing bodies of the participating jurisdictions for final approval and adoption. Consistent with the normal practices of the participating jurisdictions, which conduct meetings in accordance with Florida’s open meetings statutes, the public will have an opportunity to comment upon each jurisdiction’s adoption of the plan during public meetings. In accordance with Federal practice, the participating local jurisdictions have one year from the date of State approval of the plan to complete the formal adoption.

This plan will continue to be updated in the future to ensure it addresses changing conditions in the participating jurisdictions, experiences with disasters that occur and any changes in the characteristics of the hazards that threaten the involved communities. This updating process and future editions of the local mitigation strategy will also be used to inform and involve the public, and other interested groups, to elicit their participation in making the community more resilient to the impacts of future disasters.



Town of Malabar Local Mitigation Strategy

Hazard: W = Winds FR = Fire UL = Utility Loss L = Lightning SS = Storm Surge C = Civil Disorder FL = Flooding E = Erosion HZ = Hazmat WS = Winter Storm D = Drought I = Infestation/Disease All = All Hazards

Funding Source: 1-PDM (Pre Disaster Mitigation) 2-SHSP (State Homeland Security Program) 3-CDBG (Community Development Block Grant) 4-FMA (Flood Mitigation Assistance) 5-HMGP (Hazard Mitigation Grant Program) 6-PA (Public Assistance) 7-SRLP (Severe Repetitive Loss Program) 8-General Fund (Jurisdiction Annual Budget) Other specific funding sources are spelled out in column

Status: C-Completed D-Deferred Funding Unavailable N-New U-Updated IP-In Progress (and % complete) Priority: NR-Not Ranked										
Number	Jurisdiction	Responsible Organization	Hazard	Project Description	Funding Source	Date	Estimated Completion	Status	Priority	Cost
BRV-0212	Malabar	Town Hall/FD/PW	W	Shutters for Town Hall.		11/18/1999		T		
BRV-0213	Malabar	Town Hall/FD/PW	UL	Shutters at Fire Station.				T		
BRV-0792	Malabar	Town Hall	W	Town Hall (Shutters/Window Retrofit) Greening	5,6,8	8/29/2014	9/30/2016	D	NR	\$14,500

## Mitigation Initiative Project Priority Scoring

Using common evaluation criteria enables the Brevard Prepares Steering Committee to make comparisons of the relative risk of one hazard type in relation to another; the composite risk posed by three categories of hazards addressed (natural, technological and societal); as well as, total relative risk among all participating jurisdictions. The following comparison can be used to guide and prioritize the planning process by enabling planners to focus on the highest assessed risk for a hazard, for a hazard category or for the involved jurisdictions. The common risk estimation numeric factors used by all participants in the planning are as follows:

Risk Factor	Evaluation Criteria	Assigned Value
Area Impacted	No developed area impacted	0
	Less than 25% of developed area impacted	1
	Less than 50% of developed area impacted	2
	Less than 75% of developed area impacted	3
	Over 75% of developed area impacted	4
Health and Safety Consequences	No health or safety impact	0
	Few injuries/illnesses	1
	Few fatalities by many injuries/illnesses	2
	Numerous fatalities	3
Consequences to Property	No property damage	0
	Few properties destroyed or damaged	1
	Few destroyed - many damaged	2
	Few damaged - many destroyed	2
	Many properties destroyed or damaged	3
Consequences to Environmental Resources	Little or no environmental damage	0
	Resources damaged with short term recovery practical	1
	Resources damaged with long term recovery feasible	2
	Resources destroyed beyond recovery	3
Economic Consequences	No economic impact	0
	Low direct / or low indirect costs	1
	Low direct and high indirect costs	2
	High direct and low indirect costs	2
	High direct and high indirect costs	3
Probability of Occurrence	Greater than 500 year occurrence	0
	500 years or less occurrence	1
	100 years or less occurrence	2
	25 years or less occurrence	3
	Once a year or more occurrence	4

In the process, a single, numeric value is selected from each of the five risk factors. The five values are then used to derive a total relative risk value for a particular hazard that is "weighted" for the probability of its occurrence. The total relative risk for a particular hazard is calculated by adding the selected numeric values for each of the "Impacted Area," "Health & Safety," "Property," "Environment" and "Economy" and multiplying this total by the numeric value selected for the "Probability of Occurrence" by using the formula below:

$$\left[ \begin{array}{c} \text{Area} \\ \text{Impacted} \end{array} + \begin{array}{c} \text{Health and Safety} \\ \text{Consequences} \end{array} + \begin{array}{c} \text{Consequences} \\ \text{to Property} \end{array} + \begin{array}{c} \text{Consequences to} \\ \text{Environmental Resources} \end{array} + \begin{array}{c} \text{Economic} \\ \text{Consequences} \end{array} \right] \times \begin{array}{c} \text{Probability of} \\ \text{Occurrence} \end{array} = \begin{array}{c} \text{Relative} \\ \text{Risk} \end{array}$$

Priority Score: \_\_\_\_\_

The resulting numeric value for relative risk can vary from zero, meaning the identified hazard poses no estimated risk at all to the jurisdiction, up to a maximum of 64, which means that hazard poses a very substantial risk to the jurisdiction.

Probability of Occurrence Reference Table from Brevard LMS

Type	Hazard	Hazard-Specific Effects	Probability of Occurrence
Natural	Hurricane/Storms Effects	<i>High Winds</i>	5
		<i>Storm Surge</i>	5
		<i>Coastal Erosion</i>	5
		<i>Flood</i>	5
		<i>Tornadoes</i>	5
		<i>Thunderstorms/Lightning</i>	5
	Sea Level Rise		2
	Drought		4
	Severe Winter Storms		1
	Extreme Heat		4
	Wildfire		4
	Agricultural Infestation		4
	Seismic Hazards		1
	Land Subsidence/Sinkhole		1
	Tsunami		1
	Invasive Species		4
	Space Weather/ Geomagnetic Storm		1
Dam/Levee Failure		1	
Technological	Hazardous Materials	<i>Bulk Fuel Tank</i>	2
		<i>Radiological Release</i>	2
		<i>Rail Transportation Incident</i>	2
		<i>Oil Spill</i>	2
	Communications System Failure		4
	Prolonged Utility Failure		5
	Terrorism		2
Societal	Pandemic/Epidemic		4
	Mass Casualty		5
	Transportation Accidents		2
	Civil Disorder		1

**Probability Legend**

- 1- Greater than 500 year occurrence
- 2- 500 years or less occurrence
- 3- 100 years or less occurrence
- 4- 25 years or less occurrence
- 5- Once a year or more occurrence

# TOWN OF MALABAR AGENDA ITEM REPORT

AGENDA ITEM NO: 10.e.  
Meeting Date: July 19, 2021

Prepared By: Debby K. Franklin, C.M.C., Town Clerk/Treasurer

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**SUBJECT: Form DR-420 – Tentative Maximum Millage and Public Hearing Date**

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## **BACKGROUND/HISTORY:**

This is the first step in the annual *Truth in Millage* process. Council must set the maximum proposed millage they wish to consider during their discussions and set the date for the first public hearing on the proposed millage and budget. This information is then sent to the Property Tax office, and they include it on the TRIM Notice that is mailed to every Malabar property owner.

The DR-420MMP is provided by the BCPAO and provides the calculation to determine the maximum millage permitted by law. With a 2/3 vote of Council, Malabar can impose the maximum proposed millage to 2.6107. Before they could do that they would have to have adopt a resolution prior to the budget season explaining the need to go over the 10% cap established by the Special Law that affects Brevard County cities. Most cities had adopted such a resolution which explains why their millage is higher than 10% over rollback.

Staff is preparing a draft budget based on 2.4999 which will provide an additional \$117,422 in Ad Valorem to fund Council approved expenditures. ~~If the final adopted millage is set at 2.6107 the additional Ad Valorem can go into Reserves for future road paving projects.~~

Our millage rate was 2.3800 in 2020; 2.2680 in 2019, 2.0906 in 2018, 2.0260 in 2017, 1.9256 in 2016, 1.800 in 2015, and 1.6630 for 2011-2014.

To start the budget process, we should set the proposed maximum millage at the highest as it can be reduced during workshops, but it can't be increased without great expense to the Town.

By August 4, 2021, we must tell the Property Appraiser the following:

- prior year's millage rate (2.3800)
- current years rolled-back rate (2.2727)
- current year's **proposed maximum millage** rate of 2.4999
- the date, time and meeting place of the first tentative budget hearing of 9/13/2021 at 7:30pm.

**FINANCIAL IMPACT:** Setting the millage levy for a taxable value of \$85,000.00 would result:  
\$212.49 at 2.4999%  
\$202.30 at 2.3800%  
\$193.18 at 2.2727%

## **ATTACHMENTS:**

DR-420  
DR-420MMP

## **ACTION OPTIONS:**

Staff seeks Motion to set the Maximum Tentative Millage for the first Public Hearing at 2.4999 and select September 13, 2021 (Monday) as the date for the first Public Hearing.



# CERTIFICATION OF TAXABLE VALUE

DR-420  
R. 5/12  
Rule 12D-16.002  
Florida Administrative Code  
Effective 11/12

Year: 2021	County: Brevard
Principal Authority: Brevard County, FL	Taxing Authority: Town of Malabar

## SECTION I: COMPLETED BY PROPERTY APPRAISER

1.	Current year taxable value of real property for operating purposes	\$	287,414,121	(1)
2.	Current year taxable value of personal property for operating purposes	\$	9,502,006	(2)
3.	Current year taxable value of centrally assessed property for operating purposes	\$	3,070,541	(3)
4.	Current year gross taxable value for operating purposes <i>(Line 1 plus Line 2 plus Line 3)</i>	\$	299,986,668	(4)
5.	Current year net new taxable value <i>(Add new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, annexations, and tangible personal property value over 115% of the previous year's value. Subtract deletions.)</i>	\$	8,567,955	(5)
6.	Current year adjusted taxable value <i>(Line 4 minus Line 5)</i>	\$	291,418,713	(6)
7.	Prior year FINAL gross taxable value from prior year applicable Form DR-403 series	\$	278,284,431	(7)
8.	Does the taxing authority include tax increment financing areas? If yes, enter number of worksheets (DR-420TIF) attached. If none, enter 0	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Number (8)
9.	Does the taxing authority levy a voted debt service millage or a millage voted for 2 years or less under s. 9(b), Article VII, State Constitution? If yes, enter the number of DR-420DEBT, <i>Certification of Voted Debt Millage</i> forms attached. If none, enter 0	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Number (9)

<b>SIGN HERE</b>	<b>Property Appraiser Certification</b>	I certify the taxable values above are correct to the best of my knowledge.		
	Signature of Property Appraiser:	Date:		

## SECTION II: COMPLETED BY TAXING AUTHORITY

If this portion of the form is not completed in FULL your taxing authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is not applicable, enter -0-.

10.	Prior year operating millage levy <i>(If prior year millage was adjusted then use adjusted millage from Form DR-422)</i>		2.3800	per \$1,000	(10)
11.	Prior year ad valorem proceeds <i>(Line 7 multiplied by Line 10, divided by 1,000)</i>	\$	662,317		(11)
12.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value <i>(Sum of either Lines 6c or Line 7a for all DR-420TIF forms)</i>	\$	0		(12)
13.	Adjusted prior year ad valorem proceeds <i>(Line 11 minus Line 12)</i>	\$	662,317		(13)
14.	Dedicated increment value, if any <i>(Sum of either Line 6b or Line 7e for all DR-420TIF forms)</i>	\$	0		(14)
15.	Adjusted current year taxable value <i>(Line 6 minus Line 14)</i>	\$	291,418,713		(15)
16.	Current year rolled-back rate <i>(Line 13 divided by Line 15, multiplied by 1,000)</i>		2.2727	per \$1000	(16)
17.	Current year proposed operating millage rate		2.4999	per \$1000	(17)
18.	Total taxes to be levied at proposed millage rate <i>(Line 17 multiplied by Line 4, divided by 1,000)</i>	\$	749,937		(18)

19.	TYPE of principal authority (check one)	<input type="checkbox"/> County	<input type="checkbox"/> Independent Special District	(19)
		<input checked="" type="checkbox"/> Municipality	<input type="checkbox"/> Water Management District	
20.	Applicable taxing authority (check one)	<input checked="" type="checkbox"/> Principal Authority	<input type="checkbox"/> Dependent Special District	(20)
		<input type="checkbox"/> MSTU	<input type="checkbox"/> Water Management District Basin	
21.	Is millage levied in more than one county? (check one)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	(21)

<b>DEPENDENT SPECIAL DISTRICTS AND MSTUs</b>		<b>STOP HERE - SIGN AND SUBMIT</b>
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22.	Enter the total adjusted prior year ad valorem proceeds of the principal authority, all dependent special districts, and MSTUs levying a millage. <i>(The sum of Line 13 from all DR-420 forms)</i>	\$	662,317	(22)
23.	Current year aggregate rolled-back rate <i>(Line 22 divided by Line 15, multiplied by 1,000)</i>		2.2727	per \$1,000 (23)
24.	Current year aggregate rolled-back taxes <i>(Line 4 multiplied by Line 23, divided by 1,000)</i>	\$	681,780	(24)
25.	Enter total of all operating ad valorem taxes proposed to be levied by the principal taxing authority, all dependent districts, and MSTUs, if any. <i>(The sum of Line 18 from all DR-420 forms)</i>	\$	749,937	(25)
26.	Current year proposed aggregate millage rate <i>(Line 25 divided by Line 4, multiplied by 1,000)</i>		2.4999	per \$1,000 (26)
27.	Current year proposed rate as a percent change of rolled-back rate <i>(Line 26 divided by Line 23, minus 1, multiplied by 100)</i>		10.00 %	(27)

<b>First public budget hearing</b>	Date :	Time :	Place :
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SIGN HERE	<b>Taxing Authority Certification</b>		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.		
	Signature of Chief Administrative Officer :			Date :	
	Title :		Contact Name and Contact Title :		
	Mailing Address :		Physical Address :		
	City, State, Zip :		Phone Number :		Fax Number :




# MAXIMUM MILLAGE LEVY CALCULATION PRELIMINARY DISCLOSURE

For municipal governments, counties, and special districts

DR-420MM-P  
R. 5/12  
Rule 12D-16.002  
Florida Administrative Code  
Effective 11/12

Year: <b>2021</b>		County: <b>Brevard</b>	
Principal Authority: Brevard County		Taxing Authority: Town of Malabar	
1.	Is your taxing authority a municipality or independent special district that has levied ad valorem taxes for less than 5 years?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No (1)
<b>IF YES,  STOP HERE. SIGN AND SUBMIT. You are not subject to a millage limitation.</b>			
2.	Current year rolled-back rate from Current Year Form DR-420, Line 16	2.2727	per \$1,000 (2)
3.	Prior year maximum millage rate with a majority vote from 2020 Form DR-420MM, Line 13	2.2595	per \$1,000 (3)
4.	Prior year operating millage rate from Current Year Form DR-420, Line 10	2.3800	per \$1,000 (4)
<b>If Line 4 is equal to or greater than Line 3, skip to Line 11. If less, continue to Line 5.</b>			
<b>Adjust rolled-back rate based on prior year majority-vote maximum millage rate</b>			
5.	Prior year final gross taxable value from Current Year Form DR-420, Line 7	\$ 278,284,431	(5)
6.	Prior year maximum ad valorem proceeds with majority vote <i>(Line 3 multiplied by Line 5 divided by 1,000)</i>	\$ 628,784	(6)
7.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value from Current Year Form DR-420 Line 12	\$ 0	(7)
8.	Adjusted prior year ad valorem proceeds with majority vote <i>(Line 6 minus Line 7)</i>	\$ 628,784	(8)
9.	Adjusted current year taxable value from Current Year form DR-420 Line 15	\$ 291,418,713	(9)
10.	Adjusted current year rolled-back rate <i>(Line 8 divided by Line 9, multiplied by 1,000)</i>	2.1577	per \$1,000 (10)
<b>Calculate maximum millage levy</b>			
11.	Rolled-back rate to be used for maximum millage levy calculation <i>(Enter Line 10 if adjusted or else enter Line 2)</i>	2.2727	per \$1,000 (11)
12.	Adjustment for change in per capita Florida personal income <i>(See Line 12 Instructions)</i>	<b>1.0443</b>	(12)
13.	Majority vote maximum millage rate allowed <i>(Line 11 multiplied by Line 12)</i>	2.3734	per \$1,000 (13)
14.	Two-thirds vote maximum millage rate allowed <i>(Multiply Line 13 by 1.10)</i>	<b>2.6107</b>	per \$1,000 (14)
15.	Current year proposed millage rate		per \$1,000 (15)
16.	<b>Minimum vote required to levy proposed millage:</b> (Check one)		
<input type="checkbox"/>	a. Majority vote of the governing body: Check here if Line 15 is less than or equal to Line 13. The maximum millage rate is equal to the majority vote maximum rate. <b>Enter Line 13 on Line 17.</b>		
<input type="checkbox"/>	b. Two-thirds vote of governing body: Check here if Line 15 is less than or equal to Line 14, but greater than Line 13. The maximum millage rate is equal to proposed rate. <b>Enter Line 15 on Line 17.</b>		
<input type="checkbox"/>	c. Unanimous vote of the governing body, or 3/4 vote if nine members or more: Check here if Line 15 is greater than Line 14. The maximum millage rate is equal to the proposed rate. <b>Enter Line 15 on Line 17.</b>		
<input type="checkbox"/>	d. Referendum: The maximum millage rate is equal to the proposed rate. <b>Enter Line 15 on Line 17.</b>		
17.	The selection on Line 16 allows a maximum millage rate of <i>(Enter rate indicated by choice on Line 16)</i>		per \$1,000 (17)
18.	Current year gross taxable value from Current Year Form DR-420, Line 4	\$	(18)

Taxing Authority : Town of Malabar		DR-420MM-P R. 5/12 Page 2	
19.	Current year proposed taxes <i>(Line 15 multiplied by Line 18, divided by 1,000)</i>	\$	(19)
20.	Total taxes levied at the maximum millage rate <i>(Line 17 multiplied by Line 18, divided by 1,000)</i>	\$	(20)
<b>DEPENDENT SPECIAL DISTRICTS AND MSTUs</b>			<b>STOP HERE. SIGN AND SUBMIT.</b>
21.	Enter the current year proposed taxes of all dependent special districts & MSTUs levying a millage. <i>(The sum of all Lines 19 from each district's Form DR-420MM-P)</i>	\$	(21)
22.	Total current year proposed taxes <i>(Line 19 plus Line 21)</i>	\$	(22)
<b>Total Maximum Taxes</b>			
23.	Enter the taxes at the maximum millage of all dependent special districts & MSTUs levying a millage <i>(The sum of all Lines 20 from each district's Form DR-420MM-P)</i>	\$	(23)
24.	Total taxes at maximum millage rate <i>(Line 20 plus Line 23)</i>	\$	(24)
<b>Total Maximum Versus Total Taxes Levied</b>			
25.	Are total current year proposed taxes on Line 22 equal to or less than total taxes at the maximum millage rate on Line 24? (Check one)	<input type="checkbox"/> YES <input type="checkbox"/> NO	(25)
<b>S I G N  H E R E</b>	<b>Taxing Authority Certification</b>		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.
	Signature of Chief Administrative Officer :		Date :
	Title :	Contact Name and Contact Title :	
	Mailing Address :	Physical Address :	
	City, State, Zip :	Phone Number :	Fax Number :

**Complete and submit this form DR-420MM-P, Maximum Millage Levy Calculation-Preliminary Disclosure, to your property appraiser with the form DR-420, Certification of Taxable Value.**



**Table 2**  
**Distribution of Taxes Levied by Property Type**  
**County and Municipal Governments**  
**Fiscal Year 2020-21**

Taxing Authority	2020-2021 Taxes Levied	Percent of Taxes Levied by Property Type											Centrally Assessed Property	Percent of Taxes Levied on New Construction			
		Residential					Real Property			Tangible Personal Property	Other						
		Homestead	Non-Homestead	Vacant Lots	Commercial	Industrial	Non-Residential	Institutional	Agricultural								
<b>BREVARD COUNTY BCC</b>																	
Brevard County BCC	\$ 161,781,485	40.7%	32.1%	2.1%	12.7%	3.1%	3.1%	1.6%	0.2%	0.4%	7.0%	0.2%	2.0%				
Brevard Library District	\$ 18,816,739	40.7%	32.1%	2.1%	12.7%	3.1%	3.1%	1.6%	0.2%	0.4%	7.0%	0.2%	2.0%				
Brevard Mosquito Control	\$ 7,625,545	40.7%	32.1%	2.1%	12.7%	3.1%	3.1%	1.6%	0.2%	0.4%	7.0%	0.2%	2.0%				
Env End Land & Water	\$ 2,612,455	40.7%	32.1%	2.1%	12.7%	3.1%	3.1%	1.6%	0.2%	0.4%	7.0%	0.2%	2.0%				
Fire Control Cowide	\$ 13,156,665	47.5%	28.0%	2.5%	10.1%	2.1%	2.1%	0.7%	0.3%	0.6%	8.1%	0.2%	2.3%				
Law Enforcement	\$ 21,372,580	48.6%	27.8%	2.7%	9.0%	1.8%	1.8%	0.7%	0.3%	0.5%	8.4%	0.2%	2.2%				
Mil Rec District 2	\$ 1,150,659	51.5%	26.3%	1.9%	12.1%	1.7%	1.7%	0.9%	0.3%	0.5%	4.6%	0.0%	0.8%				
N Brev Sp Rec Dist	\$ 761,442	38.2%	31.6%	1.9%	15.3%	3.8%	3.8%	0.9%	0.3%	1.0%	6.2%	0.8%	1.3%				
PSJ/Can Grv Rec MSTU	\$ 527,332	25.7%	21.5%	1.2%	3.7%	0.8%	0.8%	0.2%	0.0%	0.6%	46.0%	0.3%	0.9%				
Rd/Bridge District 1	\$ 2,265,871	38.4%	23.2%	2.5%	6.5%	2.0%	2.0%	0.1%	0.4%	0.8%	25.6%	0.7%	1.2%				
Rd/Bridge District 2	\$ 1,076,934	46.6%	29.9%	1.8%	10.6%	1.7%	1.7%	2.5%	0.3%	0.4%	6.1%	0.0%	0.9%				
Rd/Bridge District 3	\$ 504,837	40.6%	44.0%	5.5%	4.3%	0.5%	0.5%	0.0%	0.1%	0.8%	3.9%	0.2%	0.7%				
Rd/Bridge District 4	\$ 1,545,875	55.0%	23.4%	2.1%	11.6%	2.2%	2.2%	1.6%	0.1%	0.3%	3.5%	0.1%	4.9%				
Rd/Bridge District 4 - Mis	\$ 22,594	68.2%	18.3%	4.5%	0.0%	0.0%	0.0%	0.0%	0.5%	0.0%	8.5%	0.0%	1.3%				
Rd/Bridge District 4 - N Beh	\$ 163,043	56.7%	38.8%	0.2%	2.4%	0.1%	0.1%	0.0%	0.0%	0.0%	1.8%	0.0%	0.6%				
Rd/Bridge District 5	\$ 604,333	51.4%	28.3%	2.3%	7.8%	2.5%	2.5%	0.0%	1.3%	0.3%	6.1%	0.0%	1.1%				
Recreation District 1 Incl TVille	\$ 3,030,300	34.8%	27.4%	1.8%	11.3%	2.8%	2.8%	0.6%	0.2%	0.8%	19.5%	0.6%	1.2%				
Recreation Dist 4 Maint	\$ 2,924,818	40.3%	28.0%	1.2%	14.0%	5.6%	5.6%	1.5%	0.2%	0.5%	8.5%	0.2%	1.7%				
S Brevard Rec 2001-2020	\$ 7,154,471	42.9%	31.1%	2.5%	13.2%	3.0%	3.0%	1.8%	0.1%	0.4%	4.8%	0.1%	2.6%				
<b>CITY OF CAPE CANAVERAL</b>																	
City of Cape Canaveral	\$ 5,053,191	20.0%	62.1%	0.8%	11.9%	2.5%	2.5%	0.0%	0.0%	0.1%	2.6%	0.0%	0.3%				
Library	\$ 72,957	20.0%	62.1%	0.8%	11.9%	2.5%	2.5%	0.0%	0.0%	0.1%	2.6%	0.0%	0.3%				
City of Cocoa	\$ 7,007,518	21.1%	24.6%	1.1%	22.2%	11.4%	11.4%	0.3%	0.0%	1.4%	17.6%	0.3%	1.3%				
City of Cocoa Beach	\$ 12,821,653	30.2%	53.5%	0.8%	12.3%	0.3%	0.3%	0.2%	0.0%	0.1%	2.5%	0.0%	0.4%				
City of Indian Harbour Beach	\$ 5,686,455	50.2%	36.0%	0.4%	7.6%	1.7%	1.7%	1.6%	0.0%	0.2%	2.5%	0.0%	1.1%				
City of Melbourne	\$ 39,559,192	27.5%	29.8%	0.8%	23.2%	5.4%	5.4%	4.4%	0.0%	0.2%	8.5%	0.2%	1.1%				
City of Palm Bay	\$ 37,964,580	38.3%	29.8%	4.2%	10.2%	3.9%	3.9%	1.7%	0.1%	0.3%	4.8%	0.1%	3.0%				
City of Rockledge	\$ 10,168,774	41.4%	29.6%	0.6%	12.5%	6.0%	6.0%	3.7%	0.1%	0.2%	5.7%	0.3%	1.9%				
City of Satellite Beach	\$ 9,254,157	55.1%	35.4%	2.1%	5.7%	0.2%	0.2%	0.0%	0.0%	0.0%	1.4%	0.0%	6.3%				
City of Titusville	\$ 16,195,860	30.6%	34.0%	1.0%	20.4%	4.6%	4.6%	1.4%	0.0%	1.0%	6.5%	0.5%	1.2%				
City of West Melbourne	\$ 4,798,529	37.4%	28.0%	1.1%	21.7%	5.2%	5.2%	0.8%	0.0%	1.0%	4.8%	0.0%	3.4%				
Town of Grant-Valkaria	\$ 591,131	60.3%	19.0%	8.3%	4.1%	1.9%	1.9%	0.6%	0.7%	2.3%	1.7%	1.1%	2.5%				
Town of Indianlantic	\$ 2,730,498	53.0%	30.3%	1.4%	13.2%	0.0%	0.0%	0.0%	0.0%	0.1%	2.1%	0.0%	0.0%				
Town of Malabar	\$ 662,470	51.5%	16.8%	6.8%	13.4%	3.6%	3.6%	0.2%	0.6%	2.2%	3.9%	1.1%	1.9%				
Town of Melbourne Beach	\$ 2,051,465	62.1%	31.6%	2.0%	3.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.9%	0.0%	1.0%				



Ranking	City	Current	Rolled-back	Proposed	General Salary Increase
1	Satellite Beach	8.6312	8.1872	8.6312	3%
2	Palm Bay (rollback +voted)	7.8378	7.4142	7.8378	3% Contractual + 3% COLA for General Employees
3	Titusville	7.2145	6.8586	8.2461	3% pending Council approval
4	Indianalantic (rollback + vote)	7.0923	6.8211	7.0923	3%-union negotiations underway
5	Melbourne	6.8685	6.6501	6.8685	Step Raise (~2.5%) + 1% COLA for General Employees
6	Rockledge	6.0500	5.8758	5.9900	5 contracts under negotiations, general pending Full Council
7	Cocoa	5.9790	5.8666		4 Contracts under negotiation%
8	Cocoa Beach	5.8294	5.5431	5.9544	4%-union negotiations underway
9	Cape Canaveral	3.6396	3.5755	3.5755	3%
10	West Melbourne	2.5087	2.4449	2.4449	
	Malabar	2.3800	2.2727	2.6107	3% COLA pending Council approval
	Melbourne Beach	4.2885	4.5151	4.9264	
	Indian Harbour Beach	5.6401	5.2988	5.6401	anticipated 3% increase

For FY 2022 Budget

# TOWN OF MALABAR

## COUNCIL MEETING

AGENDA ITEM NO: 11.a.

Meeting Date: July 19, 2021

Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer

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**SUBJECT: Discussion of Management Level Staff that Report to Council.**

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**BACKGROUND/HISTORY:**

CM Vail asked that this be put on agenda for Council discussion at this meeting.  
CM Acquaviva asked for it to be moved to a meeting that she could attend.

It would require Council action to remove it from this agenda.

She will be attending this meeting via phone.

**ATTACHMENTS:**

**ACTION OPTIONS:**

Council Direction

# TOWN OF MALABAR AGENDA ITEM REPORT

AGENDA ITEM NO: 11.b.  
Meeting Date: July 19, 2021

Prepared By: Lisa Morrell, Interim Town Manager

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**SUBJECT: Creation of a Recreation Vehicle Park (RVP) Zoning District (Ord 2021-09)**

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**BACKGROUND/HISTORY:**

On March 10, 2021, P&Z requested an ordinance to amend the Town's code for zoning regulations for Recreational Vehicle Park District for review.

Staff reviewed and researched the Florida State Statute, Chapter 513, entitled Mobile Home and Recreational Vehicle Parks and Chapter 64E-15 of the Florida Administrative Code for the proposed ordinance amendment. The state regulates items pursuant to the permitting, fees, licensures, and operational components of mobile home and recreational vehicle park(s) whereas a local government agency has the authority to derive standards of placement, separation distance, setbacks, and fire protection of recreational vehicle parks upon initial approval by the department and local government per FSS section 513.1115; after the initial permitting and construction of the park, FSS Chapter 513 supersedes any local ordinances.

The proposed amendment to Town of Malabar Code of Ordinances, Land Development Code, amends the following portions of Code:

- Article II of the LDC, Table 1-2.1 added a permitted zoning of RVP under the Future Land Use designation of High Density Residential (HDR).
- Article III of LDC, Section 1-3.1. added a new Subsection "P" defining RVP zoning.
- Article III, Section 1-3.2, Table 1-3.2 added a new "permitted use" (P) under *Commercial Activities* in RMH land use.
- Article III, Section 1-3.3(A) amends the Minimum Lot size requirement by referring all RVP requirements to a new Subsection "G".
- Article III, Table 1-3.3(A) added an RVP classification under RMH land use and refers applicants to a new Subsection "G" for regulations.

Table 1-3.3(A) used as an exhibit for textual criteria for other zoning districts excludes Recreational Vehicle Park regulations and refers to a new Subsection "G" for Recreational Vehicle Park intent, description, design criteria for site plan submittal to include minimum acreage, setbacks, opens pace, buffering, separation of recreational vehicles, pads parking, streets, and roads, traffic control and access, recreational specifications, on site management offices, and accessory use structures and activities.

**ATTACHMENTS:**

Ordinance 2021-09 creating a Recreational Vehicle Park Zoning District  
Memo from P&Z Board dated 7/7/2021 & Approved RTCM Minutes of 11/02/2020  
2020 F.S.513 Mobile Home and Recreational Vehicle Parks  
Ch.64E-15-2018 of Florida Administrative Code (FAC)  
FDOH Application Form RVP

**ACTION OPTIONS:**

Direction to Staff regarding first reading of Ordinance 2021-09

**ORDINANCE 2021-09**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; PROVIDING A NEW ZONING DISTRICT FOR RECREATIONAL VEHICLE PARKS (RVP); AMENDING ARTICLE II, TABLE 1-2.1, TO PROVIDE SAME NEW ZONING UNDER HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION (HDR); AMENDING ARTICLE III, SECTION 1-3.1, BY CREATING A NEW SUBSECTION 1-3.1 "P"; AMENDING ARTICLE III, TABLE 1-3.2 TO INCLUDE RECREATIONAL VEHICLE PARKS; AMENDING SECTION 1-3.3, SIZE AND DIMENSION CRITERIA, SUBSECTION "A", AND BY CREATING A NEW SUBSECTION "G"; PROVIDING FOR AN APPLICATION AND OPERATIONAL PROCEDURES FOR RECREATIONAL VEHICLE PARKS; AMENDING ARTICLE III, TABLE 1-3.3(A) PROVING FOR SPECIFIC REFERENCE FOR RVP ZONING PER SUBSECTION "G"; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

**WHEREAS**, in Florida State Statute, Chapter 513, entitled Mobile Home and Recreational Vehicle Parks, and Chapter 64E-15 of the Florida Administrative Code, the State of Florida regulates items pursuant to the permitting, fees, licensures, and operational components of mobile home and recreational vehicle park(s); and

**WHEREAS**, a local government agency has the authority to derive standards of placement, separation distance, setbacks, and fire protection of recreational vehicle parks upon initial approval by the building department and local government per Florida State Statute section 513.1115; and

**WHEREAS**, after the initial permitting and construction of the park, FSS Chapter 513 supersedes any local ordinances; and

**WHEREAS**, at present, there are no rules or regulations pertaining to Recreational Vehicle Parks and their operations in the Town Code; and

**WHEREAS**, on June 23, 2021, the Malabar Planning and Zoning Board held a publicly advertised meeting to discuss and recommend such amendments to the Town Code; and

**WHEREAS**, Town Council has determined that the proposed amendments serve the public health, safety and welfare of the citizens of the Town of Malabar, Florida.

**NOW THEREFORE BE IT ORDAINED** by the Town Council for the Town of Malabar, Brevard County, Florida:

SECTION 1. Article II, Section 1-2.2, Table 1-2.1 of the Town Land Development Code is hereby amended to provide a new Recreational Vehicle Park (RVP) Zoning District under the Future Land Use Designation of High Density Residential (HDR), which shall read as follows:

...

Future Land Use Map Designations		Corresponding Zoning Districts	
OSR	Open Space and Recreation	CP INS	Coastal Preservation Institutional
RR	Rural Residential	RR-65	Rural Residential
LDR	Low Density Residential	RS-21	Single Family LDR
MDR	Medium Density Residential	RS-15 RS-10 RM-4	Single Family MDR Single Family MDR Multiple Family MDR
HDR	High Density Residential	RM-6 R-MH RVP	Multiple Family HDR Residential Mobile Home Recreational Vehicle Park
MRO	Multiple-family Residential or Office Space	RM-4 RM-6 OI	Multiple Family HDR Multiple Family MDR Office-Institutional
OI	Office-Institutional	OI INS	Office-Institutional Institutional
CL	Commercial Limited	CL	Commercial Limited
CG	Commercial General	CG	Commercial General
R/LC	Residential and Limited Commercial	R/LC	Residential and Limited Commercial
IND	Industrial	IND	Industrial
INS	Institutional	INS	Institutional
*PUD(R)	Planned Unit Development (Residential)	PUD(R)	Planned Unit Development (Residential)
*PUD(C)	Planned Unit Development (Commercial)	PUD(C)	Planned Unit Development (Commercial)
*PUD(I)	Planned Unit Development (Industrial)	PUD(I)	Planned Unit Development (Industrial)

...

**SECTION 2.** Article III Section 1-3.1, Purpose and Intent of Districts, is hereby amended to create a new subsection "P", which shall read as follows:

...

*"P. RVP "Recreational Vehicle Park." The RVP district is established to implement comprehensive plan policies for managing local zoning and site development design criteria on land specifically designated for Recreational Vehicle Park(s) as designated by Florida State Statute Chapter 513 entitled Mobile Home and Recreational Vehicle Parks, as well as Chapter 64E-15, Florida Administrative Code."*

...

**SECTION 3.** Article III, Section 1-3.2, Table 1-3.2 Land Use by District is hereby amended to add and include Recreational Vehicle Parks (RVP) as a permitted use under "Commercial Development" in R-MH, which shall read as follows:









(1) Principal uses and structures:

- a) Travel trailers, recreational vehicles, motor homes, camping tents and other vehicles with sleeping accommodations.
- b) Management offices and residence (a mobile home may be allowed for a manager's residence only).

(2) Accessory uses include:

- a) Grocery store.
- b) Bottled gas sales.
- c) Laundry facilities.
- d) Recreational facilities such as playgrounds, picnic areas, swimming pools, game courts, and recreation hall.
- e) Public utility equipment and facilities.

(3) Conditional uses:

- a) Marina and boat rental including bait, fishing, and sports accessories sales serving guests of the park and/or the general public.

(4) Design standards for recreational vehicle parks.

- a) Minimum size: five (5) acres.
- b) Maximum density: fifteen (15) travel trailer/R.V. sites per gross acre of land. This shall also apply to any tent camping areas.
- c) Streets and parking:
  - 1. Direct access to the recreational vehicle park shall be from an arterial roadway. The administrative office of the park shall be so located as to assure that no recreational vehicles are parked in the right-of-way during the check-in process or while waiting for others to be checked in.
  - 2. Width of streets. Streets or driveways in a recreational vehicle park shall be private and shall have the following widths:
    - (a) A one-way street/drive shall be at least twelve (12) feet in width.
    - (b) A two-way street/drive shall be at least twenty-four (24) feet in width.
  - 3. Street surfacing. All roads or driveways shall be paved meeting town standards.
  - 4. Road curves. All road curves shall have a minimum turning radius of fifty (50) feet. All cul-de-sacs shall have a maximum length of five hundred (500) feet and terminate in a turning circle having a minimum radius of fifty (50) feet.
  - 5. Parking. Each R.V. / travel trailer site shall have off-street parking pads for both recreational vehicles and for towing vehicles. The pads shall be

composed of a stabilized material meeting town standards to accommodate the size of the vehicle and be composition of materials examples: asphalt, cement, gravel, pavers, or LID methods (pervious asphalt, pervious concrete, etc.)

- d) Buffer strips. A twenty-five (25) foot minimum yard setback shall be provided from all exterior property lines and rights-of-way for the rear and sides of the property and a minimum of fifty (50) foot for roadway frontage of the property. The recreational vehicle park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, wood or PVC fence, or evergreen hedge not less than six (6) feet in height. The buffer strip shall be separate from recreational areas, streets, driveways, travel trailer sites (R.V. sites) and utility sites but may be utilized for stormwater drainage and retention purposes.
- e) Recreational areas. A minimum of ten percent (10%) of the total land area of a travel trailer park shall be devoted to one (1) or more common use areas for recreational activity. In addition, for every travel trailer and tent site, there shall be allocated an additional one hundred (100) square feet of land for recreational activity.
  - 1. However, this requirement is not necessary when the proposed development is a density of ten (10) sites per gross acre or less. Such recreational areas shall be exclusive of recreational vehicle sites, buffer strips, street right-of-way and storage areas; however, the periphery of such areas may contain utility sites, and other nonrecreational service buildings, the area of which will be subtracted from the computed "recreational area." Recreational areas shall be easily accessible to all park users and management. Although the required space for recreational usage may be met through more than one (1) recreational site, the minimum size of any such area shall be ten thousand (10,000) square feet. Provision for all common open space and the construction of recreational facilities which are shown on the site plan shall proceed at an equivalent, or greater, rate as the construction of individual recreational vehicle sites.
- f) Tent camping. Areas may be set aside for tent camping in accordance with all provisions of this section, except:
  - 1. There shall be a stabilized pad on the site for parking of the transportation vehicle.
  - 2. Tent camping may be permitted on a travel trailer site.
- g) Design requirements for recreational vehicle site.
  - 1. Minimum size.
    - a. Back-in parking sites shall have a minimum area of one thousand five hundred (1,500) square feet with a minimum width of thirty (30) feet and a minimum length of fifty (50) feet.

**Commented [DF1]:** Reiterates the requirement stated in Notes to Table 1-3.3(A) within this use.

**Commented [DF2]:** P&Z wants Atty to review for actual requirements

b. Drive-through parking sites shall have a minimum area of one thousand two hundred (1,200) square feet with minimum width of twenty (20) feet and a minimum length of sixty (60) feet. Consensus was to remove these sections.

Commented [DF3]: P&Z wants this changed to "Pull"

- 2. Access. Each R.V. site shall abut on at least one (1) street or driveway within the boundaries of the travel trailer park and access to the site shall be only from such an internal street or driveway.
- 3. Setback requirements. No part of a travel trailer placed on a travel trailer site shall be closer than five (5) feet to any site line and ten (10) feet to any street or driveway.
- 4. Appurtenances. Temporary appurtenances, such as cabanas and awnings, may be erected on a travel trailer site as long as such appurtenances do not violate the setback requirements as set forth in this section and as long as such appurtenances are capable of being dismantled and stored within four (4) hours.

h) Provisions of service in recreational vehicle parks.

- 1. Service buildings. All service buildings shall comply with the building code and regulations concerning buildings, electrical installations, plumbing and sanitation systems.
- 2. Water supply. An adequate supply of water shall be provided in accordance with the regulatory agencies, Department of Environmental Protection and/or the Department of Health.
- 3. Sewage disposal.
  - a. All sewage disposal facilities shall be provided in accordance with the regulatory agencies, Department of Environmental Protection and/or the Department of Health.
  - b. At least one (1) sanitary dumping station shall be provided in every travel trailer park. Such station shall be readily accessible and well-lighted. The following schedule shall be used in determining additional dumping stations based on the number of sites which are not connected individually to sewer lines: for every fifty (50) sites or fractional part thereof, beyond the first (50) sites, one (1) sanitary dumping station shall be provided.
  - c. At least one (1) central bathhouse-restroom facility shall be located within three hundred (300) feet of all camping units which are either not supplied with sewer connections or not capable of utilizing such connections (e.g., tents, camper trailers). Any dispersed bathhouse-restroom facility provided to meet the distance requirement of three hundred (300) feet shall have at least two (2) of each of the following fixtures for

men and women. Toilets, urinals, lavatories and showers. Recreational areas shall be located within three hundred (300) feet of a bathhouse-restroom facility.

- d. The minimum number of bath and toilet facilities shall be determined by the latest adopted Florida Building Code.
4. Lighting. All entrances, exits, streets, and service buildings shall be well lighted during the hours of darkness. Site Lighting shall conform to the Town's adopted Land Development Code, Article V, – General Provisions, Section 1-5.28 entitled Site Lighting. All recreational facilities which are to be utilized during the hours of darkness shall be adequately lighted to ensure the safety of all users of such facilities.
5. Electricity. All requirements of the National Electrical Code as contained referenced in Malabar Code of Ordinances Chapter 6 must be met.
6. Service and utility lines. All service utility lines in a travel trailer park shall be installed underground and at a minimum depth of eighteen (18) inches.
7. Fire protection. The park shall be subject to the rules and regulations of State Statute, State Fire Code, and Malabar Code.
8. Fuel supply and storage. All installations and tanks furnishing and/or storing any type of gaseous fuels to be used by the occupants of the park shall comply with the Fire Prevention Code of the National Fire Prevention Association, as adopted.
9. Storage. Outdoor storage of travel trailers is permitted that such storage takes place within an area especially set aside for such use.
10. Signs. Those signs necessary for directional or safety purposes are permitted. All other signs as per the sign regulations set forth in Article XIX of this code of ordinances.
- b. Development site plan review. As part of the supplementary data required to complete an application for a public hearing for a recreational vehicle park development, compliance with all requirements within Article VII of the Malabar Land Development Regulations including a scaled and dimensioned plot or site plan of the development shall be submitted as part of such application (if the site plan is greater than eleven (11) inches by seventeen (17) inches, two (2) copies are needed, as well as a digital copy); and if the application is approved, the recreational vehicle park shall be built in accordance with such a plan. The site plan shall include, but not be limited to, location of all R.V. sites, service areas, drives, streets, signs, buildings, parking, recreational space, setbacks, public utility locations and any other pertinent information. Site plan approval is limited to one (1) year by the Town Council."

**Commented [DF4]:** Mayor asked why this doesn't just read per State Code

**Commented [DF5]:** Mayor asked for how long – is this open storage?

...

**SECTION 6.** Article III, Section 1-3.3. Size and Dimension Criteria, Table 1-3.3 (A) is hereby amended to include RVP classification under Residential Mobile Home and refer applicant to Section 1-3.3.G.

**SECTION 7. Severability.** If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalid or unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other portions of this ordinance, provided the remaining portions effectuate the purpose and intent of this ordinance.

**SECTION 8. Conflicting Provisions.** In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state, or town law, rule, code or regulations, the more restrictive shall apply.

**SECTION 9. Inclusion in Code.** It is intention of the Town Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Malabar.

**SECTION 10. Effective Date.** This Ordinance shall take effect immediately after the adoption of this Ordinance.

The foregoing Ordinance was moved for adoption by Council Member \_\_\_\_\_. The motion was seconded by Council Member \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

- Council Member Marisa Acquaviva \_\_\_\_\_
- Council Member Brian Vail \_\_\_\_\_
- Council Member Steve Rivet \_\_\_\_\_
- Council Member David Scardino \_\_\_\_\_
- Council Member Danny White \_\_\_\_\_

This ordinance was then declared duly passed and adopted this \_\_\_ day of \_\_\_\_\_ 2021.

TOWN OF MALABAR

(seal)

\_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

ATTEST:

\_\_\_\_\_  
Debby K. Franklin, C.M.C., Town Clerk/Treasurer

Approved for Legal Sufficiency:

\_\_\_\_\_  
Karl Bohne, Jr, Town Attorney

First Reading: \_\_ Vote: to \_\_  
Second Reading: \_\_

**TABLE 1-3.3 (A) SIZE AND DIMENSION REGULATIONS See numbered Notes below (Ordinance 2021-09)**

Zoning	Minimum Lot (1)		Depth	Max Height	Floor Area	Setback (ft.) from property line or centerline (2) See also Note 5					MBC %	MOS %	Maximum Density
	Lot Size	Width				Front (2)	Rear (5)	Side interior (1)	Side (C)	MISR %			
<b>Residential Mobile Home Development</b>													
R-MH	Size: 5 acres Lot: 7000sf	N/A	N/A	N/A	N/A	10	8	8	10	50	N/A	50	6
RVP	Size: 5 acres per Sec. 1-3.3.G.	N/A	N/A	N/A	N/A	10	5	5	10	Per Sec. 1-3.3.G.	Per Sec. 1-3.3.G.	Per Sec. 1-3.3.G.	Per Sec. 1-3.3.G.
<b>Office Institutional Development</b>													
OI	20,000	100	150	35/3	Minimum floor Area: 1,000sf	35/60 (2)	25	20	25	65	20	35	N/A
INS	20,000	100	150	35/3	Minimum floor Area: 1,200sf	50	25	20	30	60	20 (6)	40	N/A
<b>Commercial Development</b>													
CL	20,000	100	150	35/3	Minimum floor Area: 900sf Max: 4,000sf	50	25	10(4) 15(3)	20	65	20	35	N/A
CG	20,000	100	150	35/3	Minimum floor Area: 1,200sf Min hotel/motel 300sf ea unit	50	25	20(4) 15(3)	30	65	20	35	N/A
IND	20,000	100	150	35/3	Min 1,200sf	50 (5)	25 (5)	20(5)	30(5)	70	42	30	N/A
CP	No size or Dimension Standards Adopted												

Note 1: Minimum lot size include plus one-half of adjacent public right-of-way.

Note 2: Setbacks determined pursuant to Table 1-3.3(A) or (E) whichever is most restrictive.

Note 3: Setbacks where rear lot line abuts an alley.

Note 4: Setback shall be greater where side property line abuts a district requiring a larger setback on the abutting yard. In such cases the more restrictive abutting setback shall apply

Note 5: Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.

Note 6: Recreation activities Maximum Building coverage shall be 20%

Note 7: Sides and rear may be reduced to 15' for accessory structures only and will increase in proportion with the maximum height of the accessory structure, ie. if the height of the accessory structure is 20 feet, this will equal a 20-foot setback.

# TOWN OF MALABAR

## MEMORANDUM

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**Date:** July 7, 2021 21-BDM-018

**To:** Town Council  
Debby Franklin, Town Clerk/Treasurer

**From:** PZ Board  
Denine M. Sherear, Building Department Manager DS

**Ref:** Amendment the Land Developing Code to provide a new Residential Vehicle Park (RVP) Zoning District under the Future Land Use Designation of RMH.

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At the Planning and Zoning Meeting of 6/23/2021 the Board discussed amending the Land Developing Code to provide a new Recreational Vehicle Park (RVP) Zoning under the Future Land Use Designation RMH. The following Motion was made:

**Motion: Dial/Hofmeister recommend Town Council amend the Land Developing Code to provide a new Recreational Vehicle Park (RVP) Zoning District under the Future Land Use Designation of RMH with suggested changes from Board: Roll Call Vote: Foster; Aye, Abare; Aye, Ritter; Aye, Dial; Aye, Hofmeister; Aye.**

**Motion Approved 5 to 0**



RVP

**11.f. Piggyback Brevard County B-6-19-12/Aggregate (57 Stone & Pea Gravel)**

**Exhibit: Agenda Report No. 11.f.**

**MOTION:** CM Scardino / CM White to approve piggyback of Brevard County B-6-19-12/Aggregate (57 Stone & Pea Gravel). **VOTE:** All Ayes.

**11.g. Piggyback Brevard County B-6-20-57/Asphaltic Concrete**

**Exhibit: Agenda Report No. 11.g.**

**MOTION:** CM Vail / CM White to approve piggyback of Brevard County B-6-20-57/Asphaltic Concrete. **VOTE:** All Ayes.

**11.h. Piggyback Omni Partners National Cooperative Purchase Contract**

**Exhibit: Agenda Report No. 11.h.**

**MOTION:** CM White / CM Scardino to approve piggyback of Omni Partners National Cooperative Purchase Contract. **VOTE:** All Ayes.

**11.i. Approve Vehicle Purchase utilizing the Florida Sheriff Association (FSA) Cooperative Purchasing Program utilizing Duval Fleet, 5203 Waterside Drive, Jacksonville, FL 32210, an awarded contract holder**

**Exhibit: Agenda Report No. 11.i.**

Intro by TM: This is a request to replace the PW vehicle, a 1997 Chevy truck with a 2021 Ford extended cab truck. The price we got when shopped was 66K at Kelly Ford. Using the FSA, we will get it at 57K. This also requests authority to dispose of the 97 Chevy truck and put those funds towards another purchase for equipment within this year; they are looking at a small excavator.

**MOTION:** CM White / CM Ball to approve Vehicle Purchase utilizing the FSA Cooperative Purchasing Program utilizing Duval Fleet, 5203 Waterside Drive, Jacksonville, FL 32210, an awarded contract holder. The motion also approves the sale of the 1997 Chevy truck for surplus and putting those monies into a future budget amendment to buy a small excavator.

**VOTE:** All Ayes.

**11.j. Consideration of Amending of Land Development Code / Article XIX**

**Signage**

**Exhibit: Agenda Report No. 11.i.**

Intro by TM: Reviewing the signs regarding temporary and discovered a possible area that needs maybe to have those size requirements reversed. Outdoor Advertising permits a 4x8 sign in residential zoning but only a 3-sf sign on commercial zoning. Attorney Bohne said if staff provides the amendment to reverse these items it would still have to go before P&Z for their review.

**MOTION:** CM Vail / CM Scardino to direct staff to amend the Signage Code to reverse the size requirements for outdoor advertising and temporary signage in residential and non-residential zonings and forward to P&Z for recommendation. **VOTE:** All Ayes.

**11.k. Consideration of Amending of Land Development Code / Article III District Provisions**

**Exhibit: Agenda Report No. 11.j.**

Intro by TM: under discussion with developers the density for RV parks came up and it was noted that the RMH zoning only allows a density of six per acre and the three RV parks existing in Malabar historically and currently exceed the limit of six per acre.

TM is suggesting that if directed by Council, staff can provide a report to P&Z for their consideration of increasing the density for these uses to match what currently exists. CM Vail said it he has been at and in all the existing RV parks and the existing density is more than six per unit and is working. They are fairly uniform. That is how they are all set up. CM Ball understands what they are saying. And they have a lot of history as they have been in existence prior to the Code density table. He would like to see this go back to P&Z with the Staff report.

Attorney Bohne added that the current parks are not compliant with the current Code. Our current code would prevent them from rebuilding. Increase the density to what is currently in those parks. CM White said he thought they were strictly RVs in these parks but there is a mixture of mobile homes and RVs. CM White would not want to encourage more mobile home parks, but rather emphasize the rural single-family homes. Mayor said we have RMH north of Rocky Point and the density permitted in the Code should match what we currently have.

**MOTION:** CM Vail / CM Ball to direct staff to provide staff report to P&Z on an amendment to Table 1-3.3 creating a new density requirement for RV's in R-MH zoning based on existing density of similar properties.

**VOTE:** All Ayes.

**Chair may excuse Attorney at this Point**

**12. DISCUSSION/POSSIBLE ACTION: 0**

**13. PUBLIC COMMENTS: General Items (Speaker Card Required) None:**

**14. REPORTS – MAYOR AND COUNCIL MEMBERS**

CM Ball: thanked staff and other council members. Just from what we have heard from staff on the reserves. He is proud to have been here and served his community.

CM Vail: no

CM Rivet: so long to Grant

CM White: This is his reason he is against term limits. Wishes the best to CM Ball. Also stated FLC is offering a webinar next week on recycling. It surprised him to find out why our recycling is tied to China. They could do with one household trash pick-up a week and would like to find out if other people would support that before going into negotiations with WM next year.

CM Scardino: nothing

Mayor: Thanked Grant for service on PZ and then on Council. Has projects for him to work on starting this Friday.

**15. ANNOUNCEMENTS:** Openings on T&G and Park and Rec Bds.

**16. ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 8:10 P.M.

BY: Patrick T. Reilly  
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Debby Franklin

Debby Franklin, C.M.C.  
Town Clerk/Treasurer

Date Approved: 11/16/2020

Select Year: 2020

## The 2020 Florida Statutes

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Title XXXIII  
REGULATION OF TRADE, COMMERCE,  
INVESTMENTS, AND SOLICITATIONS

Chapter 513  
MOBILE HOME AND RECREATIONAL  
VEHICLE PARKS

[View Entire  
Chapter](#)

### CHAPTER 513

### MOBILE HOME AND RECREATIONAL VEHICLE PARKS

- 513.01 Definitions.
- 513.012 Public health laws; enforcement.
- 513.014 Applicability of recreational vehicle park provisions to mobile home parks.
- 513.02 Permit.
- 513.03 Application for and issuance of permit.
- 513.045 Permit fees.
- 513.05 Rules.
- 513.051 Preemption.
- 513.052 Inspection of premises.
- 513.053 Prosecution for violation; duty of state attorney.
- 513.054 Penalties for specified offenses by operator.
- 513.055 Revocation or suspension of permit; fines; procedure.
- 513.065 Enforcement; citations.
- 513.08 Disposal of sewage.
- 513.10 Operating without permit; enforcement of chapter; penalties.
- 513.1115 Placement of recreational vehicles on lots in permitted parks.
- 513.112 Maintenance of guest register and copy of laws.
- 513.114 Liability for property of guests.
- 513.115 Unclaimed property.
- 513.117 Park rules and regulations.
- 513.118 Conduct on premises; refusal of service.
- 513.121 Obtaining accommodations in a recreational vehicle park with intent to defraud; penalty; rules of evidence.
- 513.122 Theft of personal property; detention and arrest of violator; theft by employee.
- 513.13 Recreational vehicle parks; ejection; grounds; proceedings.
- 513.151 Recreational vehicle parks; guests in transient occupancy; operator's rights and remedies; writ of distress.

**513.01 Definitions.**—As used in this chapter, the term:

- (1) "Department" means the Department of Health and includes its representative county health departments.
- (2) "Lodging park" means a place set aside and offered by a person, for either direct or indirect remuneration of the operator of the place, in which 75 percent of the mobile homes or recreational vehicles or combination thereof are owned by the operator and offered for rent to the public and which is not licensed under chapter 509.
- (3) "Mobile home" means a residential structure that is transportable in one or more sections, which structure is 8 body feet (2.4 meters) or more in width, over 35 feet in length with the hitch, built on an integral chassis, and

designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

(4) "Mobile home park" means a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more mobile homes.

(5) "Occupancy" means the length of time that a recreational vehicle is occupied by a transient guest and not the length of time that such vehicle is located on the leased recreational vehicle site. A recreational vehicle may be stored and tied down on site when not in use to accommodate the needs of the guest. The attachment of a recreational vehicle to the ground with tie-downs or other removable fasteners, and the attachment of carports, porches, screen rooms, and similar appurtenances with removable attaching devices, do not render the recreational vehicle a permanent part of the recreational vehicle site.

(6) "Operator" means the owner, operator, keeper, lessor, proprietor, manager, assistant manager, desk clerk, agent, or employee of a mobile home, lodging, or recreational vehicle park or a recreational camp who is designated by the permittee as the individual solely responsible for the daily operation of the park or camp and its compliance with this chapter and the rules adopted under this chapter.

(7) "Permittee" means a person who applies for and is granted a permit under this chapter and who is ultimately responsible for the operation of the mobile home, lodging, or recreational vehicle park or the recreational camp and the compliance of the park or camp with this chapter and the rules adopted under this chapter.

(8) "Person" means an individual, association, partnership, corporation, or governmental unit.

(9) "Recreational camp" means one or more buildings or structures, tents, trailers, or vehicles, or any portion thereof, together with the land appertaining thereto, established, operated, or used as living quarters for five or more resident members of the public and designed and operated for recreational purposes.

(10) "Recreational vehicle" has the same meaning as provided for the term "recreational vehicle-type unit" in s. 320.01. However, the terms "temporary living quarters" and "seasonal or temporary living quarters" as used in s. 320.01, in reference to recreational vehicles placed in recreational vehicle parks, relate to the period of time the recreational vehicle is occupied as living quarters during each year and not to the period of time it is located in the recreational vehicle park. During the time the recreational vehicle is not occupied as temporary or seasonal quarters, it may be stored and tied down on the recreational vehicle site. The affixing of a recreational vehicle to the ground by way of tie-downs or other removable fasteners, and the attachment of carports, porches, screen rooms, and similar appurtenances by way of removable attaching devices, does not render the recreational vehicle a permanent part of the recreational vehicle site.

(11) "Recreational vehicle park" means a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents; and the term also includes buildings and sites set aside for group camping and similar recreational facilities. For the purposes of this chapter, the terms "campground," "camping resort," "RV resort," "travel resort," and "travel park," or any variations of these terms, are synonymous with the term "recreational vehicle park."

(12) "Transient guest" means any guest registered as provided in s. 513.112 for 6 months or less. When a guest is permitted with the knowledge of the park operator to continuously occupy a recreational vehicle in a recreational vehicle park for more than 6 months, there is a rebuttable presumption that the occupancy is nontransient, and the eviction procedures of part II of chapter 83 apply.

History.—s. 1, ch. 12419, 1927; CGL 4140; s. 1, ch. 19365, 1939; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 3, 14, 15, ch. 83-321; s. 6, ch. 84-182; s. 13, ch. 85-343; s. 1, ch. 87-193; ss. 1, 26, ch. 93-150; s. 146, ch. 97-101; s. 249, ch. 99-8; s. 2, ch. 2013-91.

**513.012 Public health laws; enforcement.**—It is the intent of the Legislature that mobile home parks, lodging parks, recreational vehicle parks, and recreational camps be exclusively regulated under this chapter. As such, the department shall administer and enforce, with respect to such parks and camps, laws and rules relating to sanitation, control of communicable diseases, illnesses and hazards to health among humans and from animals

to humans, and permitting and operational matters in order to protect the general health and well-being of the residents of and visitors to the state. However, nothing in this chapter qualifies a mobile home park, a lodging park, a recreational vehicle park, or a recreational camp for a liquor license issued under s. 561.20(2)(a)1. Mobile home parks, lodging parks, recreational vehicle parks, and recreational camps regulated under this chapter are exempt from regulation under chapter 509.

History.—s. 5, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 2, ch. 93-150; s. 1, ch. 2020-126.

**513.014 Applicability of recreational vehicle park provisions to mobile home parks.**—A mobile home park that has five or more sites set aside for recreational vehicles shall, for those sites set aside for recreational vehicles, comply with the recreational vehicle park requirements included in this chapter. This section does not require a mobile home park with spaces set aside for recreational vehicles to obtain two licenses. However, a mobile home park that rents spaces to recreational vehicles on the basis of long-term leases is required to comply with the laws and rules relating to mobile home parks including but not limited to chapter 723, if applicable.

History.—s. 6, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 3, ch. 93-150.

#### **513.02 Permit.**—

(1) A person may not establish or maintain a mobile home park, lodging park, recreational vehicle park, or recreational camp in this state without first obtaining a permit from the department. Such permit is not transferable from one place or person to another. Each permit must be renewed annually.

(2) The department may refuse a permit to, or refuse to renew the permit of, any park or camp that is not constructed or maintained in accordance with law and with the rules of the department.

(3) The department may suspend or revoke a permit issued to any person that operates or maintains such a park or camp if such person fails to comply with this chapter or the rules adopted by the department under this chapter.

(4) A permit for the operation of a park or camp may not be renewed or transferred if the permittee has an outstanding fine assessed pursuant to this chapter which is in final-order status and judicial reviews are exhausted, unless the transferee agrees to assume the outstanding fine.

(5) When a park or camp regulated under this chapter is sold or its ownership transferred, the transferee must apply for a permit to the department within 60 days after the date of transfer. The applicant must provide the department with a copy of the recorded deed or lease agreement before the department may issue a permit to the applicant.

History.—s. 2, ch. 12419, 1927; CGL 4141; s. 1, ch. 19365, 1939; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 439, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 4, 14, 15, ch. 83-321; s. 7, ch. 84-182; ss. 4, 26, ch. 93-150; s. 2, ch. 2020-126.

#### **513.03 Application for and issuance of permit.**—

(1) An application for a permit must be made in writing to the department, on a form prescribed by the department. The application must state the location of the existing or proposed park or camp, the type of park or camp, the number of mobile homes or recreational vehicles to be accommodated or the number of recreational campsites, the type of water supply, the method of sewage disposal, and any other information the department requires.

(2) If the department is satisfied, after reviewing the application of the proposed or existing park or camp and causing an inspection to be made, that the park or camp complies with this chapter and is so located, constructed, and equipped as not to be a source of danger to the health of the general public, the department shall issue the necessary permit, in writing, on a form prescribed by the department.

History.—s. 3, ch. 12419, 1927; CGL 4142; s. 1, ch. 19365, 1939; ss. 19, 35, ch. 69-106; s. 440, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 5, 14, 15, ch. 83-321; s. 8, ch. 84-182; ss. 5, 26, ch. 93-150.

#### **513.045 Permit fees.**—

(1)(a) Each person seeking a permit to establish, operate, or maintain a mobile home park, lodging park, recreational vehicle park, or recreational camp must pay to the department a fee, the amount of which shall be set by rule of the department.

(b) Fees established pursuant to this subsection must be based on the actual costs incurred by the department in carrying out its responsibilities under this chapter. The fee for a permit may not be set at a rate that is more than \$6.50 per space or less than \$3.50 per space. Until rules setting these fees are adopted by the department, the permit fee per space is \$3.50. The permit fee for a nonexempt recreational camp shall be based on an equivalency rate for which two camp occupants equal one space. The total fee assessed to an applicant may not be more than \$600 or less than \$50, except that a fee may be prorated on a quarterly basis.

(c) A recreational camp operated by a civic, fraternal, educational, or religious organization that does not rent to the public is exempt from the fee requirements of this subsection.

(2) Each local county health department shall collect the fees established pursuant to subsection (1) but may not collect any other fees for such permit.

<sup>1</sup>(3) Fees collected under this section shall be deposited in the County Health Department Trust Fund, to be administered by the department, and shall be used solely for actual costs incurred in implementing and enforcing this act.

History.—ss. 6, 15, ch. 83-321; s. 92, ch. 85-81; s. 16, ch. 93-120; ss. 6, 26, ch. 93-150; ss. 147, 148, ch. 97-101; s. 43, ch. 98-151.

<sup>1</sup>Note.—As amended by s. 16, ch. 93-120, and s. 147, ch. 97-101. Subsection (3) was also amended by s. 6, ch. 93-150, and s. 148, ch. 97-101, and that version reads:

(3) All fees collected by the department in accordance with this section and the rules adopted under this section shall be deposited into the respective county health department trust fund administered by the department for the payment of costs incurred in administering this chapter.

**513.05 Rules.**—The department may adopt rules pertaining to the location, construction, modification, equipment, and operation of mobile home parks, lodging parks, recreational vehicle parks, and recreational camps, except as provided in s. 633.206, as necessary to administer this chapter. Such rules may include definitions of terms; requirements for plan reviews of proposed and existing parks and camps; plan reviews of parks that consolidate space or change space size; water supply; sewage collection and disposal; plumbing and backflow prevention; garbage and refuse storage, collection, and disposal; insect and rodent control; space requirements; heating facilities; food service; lighting; sanitary facilities; bedding; an occupancy equivalency to spaces for permits for recreational camps; sanitary facilities in recreational vehicle parks; and the owners' responsibilities at recreational vehicle parks and recreational camps.

History.—s. 5, ch. 12419, 1927; CGL 4144; s. 1, ch. 19365, 1939; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 442, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 7, 14, 15, ch. 83-321; s. 20, ch. 87-287; ss. 7, 26, ch. 93-150; s. 44, ch. 98-151; s. 47, ch. 2000-242; s. 147, ch. 2013-183.

**513.051 Preemption.**—The department is the exclusive regulatory and permitting authority for sanitary and permitting standards for all mobile home parks, lodging parks, recreational vehicle parks, and recreational camps in accordance with this chapter.

History.—s. 8, ch. 93-150; s. 3, ch. 2020-126.

**513.052 Inspection of premises.**—The department or its agent shall inspect, at least annually, each park or camp that the department determines qualifies as a mobile home, lodging, or recreational vehicle park or a recreational camp; and, for that purpose, the department has the right of entry and access to such park or camp at any reasonable time.

History.—s. 11, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 9, ch. 93-150.

**513.053 Prosecution for violation; duty of state attorney.**—The department or an agent of the department, upon ascertaining by inspection that a mobile home, lodging, or recreational vehicle park or a recreational camp is being operated contrary to the provisions of this chapter, shall make a complaint and cause the arrest of the violator; and the state attorney, upon request of the department or agent, shall prepare all necessary papers and conduct the prosecution. The department shall proceed in the courts by mandamus or injunction whenever such proceeding is necessary to the proper enforcement of the provisions of this chapter, of the rules adopted pursuant to this chapter, or of orders of the department.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 10, ch. 93-150.

**513.054 Penalties for specified offenses by operator.**—Any operator of a mobile home park, lodging park, or recreational vehicle park or a recreational camp who obstructs or hinders any agent of the department in the proper discharge of the agent's duties; who fails, neglects, or refuses to obtain a permit for the park or camp or pay the permit fee required by law; or who fails or refuses to perform any duty imposed upon the operator by law or rule is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. On each day that such park or camp is operated in violation of law or rule, there is a separate offense.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 128, ch. 91-224; s. 36, ch. 92-78; s. 11, ch. 93-150.

**513.055 Revocation or suspension of permit; fines; procedure.**—

(1)(a) The department may suspend or revoke a permit issued to any person for a mobile home park, lodging park, recreational vehicle park, or recreational camp upon the failure of that person to comply with this chapter or the rules adopted under this chapter.

(b) A permit may not be suspended under this section for a period of more than 12 months. At the end of the period of suspension, the permittee may apply for reinstatement or renewal of the permit. A person whose permit is revoked may not apply for another permit for that location prior to the date on which the revoked permit would otherwise have expired.

(2)(a) In lieu of such suspension or revocation of a permit, the department may impose a fine against a permittee for the permittee's failure to comply with the provisions described in paragraph (1)(a) or may place such licensee on probation. No fine so imposed shall exceed \$500 for each offense, and all amounts collected in fines shall be deposited with the Chief Financial Officer to the credit of the County Health Department Trust Fund.

(b) In determining the amount of fine to be imposed, if any, for a violation, the department shall consider the following factors:

1. The gravity of the violation and the extent to which the provisions of the applicable statutes or rules have been violated.

2. Any action taken by the operator to correct the violation.

3. Any previous violation.

History.—ss. 9, 15, ch. 83-321; s. 9, ch. 84-182; s. 17, ch. 93-120; ss. 12, 26, ch. 93-150; ss. 149, 150, ch. 97-101; s. 568, ch. 2003-261.

**513.065 Enforcement; citations.**—

(1) If the department reasonably believes that a permittee has committed a violation of this chapter which affects the public health, safety, or sanitation, then the department may serve a citation on the permittee for such violation. However, the department must have previously notified the permittee of the violation and the permittee must have failed to timely correct the violation. Citations issued under this section are proposed agency action.

(2) Citations shall be in writing and shall describe the particular violation, including a specific reference to the provision of this chapter or rule promulgated hereunder alleged to have been violated.

(3) The department may seek to impose a fine not to exceed \$500 for each violation cited under this section. Each day a violation continues after an initial citation is issued is a separate violation for which a subsequent citation may be issued. However, if the initial citation is not upheld through an administrative hearing under chapter 120, any subsequent citation for the same violation is void.

(4) Citations shall contain a conspicuous written notice of the permittee's right to request a hearing under chapter 120 within 21 days after the date of receiving the citation and shall contain a description of the procedures to be followed to request such a hearing. Citations shall contain a conspicuous statement that if the permittee fails to timely request an administrative hearing, the permittee may be deemed to have waived the right to an administrative hearing. The statement shall also warn that if the permittee does not request a hearing, the citation becomes final agency action and if the permittee fails to pay the fine within 60 days after the date of receiving the citation, the permittee will be required to pay the maximum fine or penalty.

(5) The department may reduce or waive any civil penalty initially sought to be imposed through a citation. In determining whether to reduce or waive a fine under this section, the department shall use the criteria in s.

513.055(2)(b).

(6) This section is an alternative means of enforcing this chapter. Nothing contained in this section prohibits the department from enforcing this chapter or the rules adopted thereunder by any other means permitted under this chapter. However, the department may only use a single enforcement procedure for any one violation.

(7) Citations issued under this section shall be served on the permittee or individual at the park or camp designated by the permittee except that service may be made by a department designee if designated by rule to effect such service.

History.—s. 13, ch. 93-150; s. 25, ch. 97-98.

#### **513.08 Disposal of sewage.—**

(1) It is unlawful to empty any receptacle or fixture containing human excreta, human urine, or any other liquid waste from a mobile home or recreational vehicle or at a recreational campsite except into a sewerage system approved by the department.

(2) The operator or permittee of a mobile home park, lodging park, recreational vehicle park, or recreational camp shall provide such means for the emptying of such receptacles and for their cleaning as specified in the rules of the department.

History.—s. 1, ch. 19365, 1939; CGL 1940 Supp. 4150(2); ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 445, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 8, 14, 15, ch. 83-321; ss. 14, 26, ch. 93-150.

#### **513.10 Operating without permit; enforcement of chapter; penalties.—**

(1) Any person who maintains or operates a mobile home park, lodging park, recreational vehicle park, or recreational camp without first obtaining a permit as required by s. 513.02, or who maintains or operates such a park or camp after revocation of the permit, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) This chapter or rules adopted under this chapter may be enforced in the manner provided in s. 381.0012 and as provided in this chapter. Violations of this chapter and the rules adopted under this chapter are subject to the penalties provided in this chapter and in s. 381.0061.

History.—s. 1, ch. 19365, 1939; CGL 1940 Supp. 7849(a); s. 1, ch. 59-214; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 6, ch. 80-351; ss. 2, 3, ch. 81-318; ss. 10, 14, 15, ch. 83-321; s. 10, ch. 84-182; s. 129, ch. 91-224; s. 57, ch. 91-297; ss. 15, 26, ch. 93-150; s. 125, ch. 2012-184.

#### **~~513.1115 Placement of recreational vehicles on lots in permitted parks.—~~**

~~(1) Separation distances between recreational vehicle sites within a recreational vehicle park must be the distances established at the time of the initial approval of the recreational vehicle park by the department and the local government.~~

~~(2) Setback distances from the exterior property boundary of the recreational vehicle park must be the setback distances established at the time of the initial approval by the department and the local government.~~

~~(3) If a recreational vehicle park is damaged or destroyed as a result of wind, water, or other natural disaster, the park may be rebuilt on the same site using the same density standards that were approved and permitted before the park was damaged or destroyed.~~

~~(4) This section does not limit the regulation of the uniform firesafety standards established under s. 633.206. However, this section supersedes any county, municipality, or special district ordinance or regulation regarding the lot size, lot density, or separation or setback distance of a recreational vehicle park which goes into effect after the initial permitting and construction of the park.~~

~~History.—s. 3, ch. 2013-91; s. 125, ch. 2014-17; s. 5, ch. 2020-126.~~

#### **513.112 Maintenance of guest register and copy of laws.—**

(1) It is the duty of each operator of a recreational vehicle park that rents to transient guests to maintain at all times a register, signed by or for guests who occupy rental sites within the park. The register must show the dates upon which the rental sites were occupied by such guests and the rates charged for the guests' occupancy. This register shall be maintained in chronological order and shall be available for inspection by the department at any time. An operator is not required to retain a register that is more than 2 years old.



(2) Such operator shall maintain at all times a current copy of this chapter in the park office, which shall be made available to a member of the public upon request.

(3) When a guest occupies a recreational vehicle in a recreational vehicle park for less than 6 months, as evidenced by the length of stay shown in the guest register, there is a rebuttable presumption that the occupancy is transient.

History.—s. 11, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 17, ch. 93-150; s. 4, ch. 2020-126.

#### **513.114 Liability for property of guests.—**

(1) The operator of a recreational vehicle park is not under any obligation to accept for safekeeping any moneys, securities, jewelry, or precious stones of any kind belonging to any guest; and, if such properties are accepted for safekeeping, the operator is not liable for the loss of any of the properties unless such loss was the proximate result of fault or negligence of the operator. However, if the recreational vehicle park gave a receipt for the property, which receipt had a statement of the property value on a form which stated, in type large enough to be clearly noticeable, that such park was not liable for a greater amount than \$1,000 for any loss exceeding \$1,000 and was only liable for an amount up to \$1,000 if the loss was the proximate result of fault or negligence of the operator, the liability of the operator is limited to \$1,000 for such loss.

(2) The operator of a recreational vehicle park is not liable or responsible to any guest for the loss of wearing apparel, goods, or other property, except as provided in subsection (1), unless such loss occurred as the proximate result of fault or negligence of such operator; and, in case of fault or negligence, the operator is not liable for a greater sum than \$500, unless the guest, prior to the loss or damage, filed with the operator an inventory of the guest's effects and their value and the operator was given an opportunity to inspect such effects and check them against such inventory. The operator of a recreational vehicle park is not liable or responsible to any guest for a greater amount than \$1,000 for the loss of effects listed in such inventory as having a value of a total amount exceeding \$1,000.

History.—s. 11, ch. 84-182; s. 1, ch. 85-65; s. 63, ch. 87-225; s. 36, ch. 92-78; s. 18, ch. 93-150.

**513.115 Unclaimed property.—**Any property having an identifiable owner which remains unclaimed after having been held by the park for 90 days after written notice was provided to the guest or the owner of the property becomes the property of the park. Any property that is left by a guest who has vacated the premises without notice to the operator and who has an outstanding account is considered abandoned property, and disposition thereof shall be governed by the Disposition of Personal Property Landlord and Tenant Act under s. 715.10 or under s. 705.185, as applicable.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 64, ch. 87-225; s. 36, ch. 92-78; s. 19, ch. 93-150; s. 6, ch. 2020-126.

**513.117 Park rules and regulations.—**Any operator of a recreational vehicle park may establish reasonable rules and regulations for the management of the park and its guests and employees; and each guest or employee staying, sojourning, or employed in the park shall conform to, and abide by, such rules and regulations so long as the guest or employee remains in or at the park. Such rules and regulations are deemed to be a special contract between the operator and each guest or employee using the facilities or services of the recreational vehicle park and control the liabilities, responsibilities, and obligations of all parties. Any rules or regulations established pursuant to this section must be printed in the English language and posted, together with a copy of ss. 513.114, 513.121, and 513.13 and a notice stating that a current copy of this chapter is available in the park office for public inspection, in the registration area of such recreational vehicle park.

History.—s. 11, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 20, ch. 93-150.

#### **513.118 Conduct on premises; refusal of service.—**

(1) The operator of a recreational vehicle park may refuse to provide accommodations, service, or access to the premises to any transient guest or visitor whose conduct on the premises of the park displays intoxication, profanity, lewdness, or brawling; who indulges in such language or conduct as to disturb the peace, quiet enjoyment, or comfort of other guests; who engages in illegal or disorderly conduct; or whose conduct constitutes a nuisance or safety hazard.

(2) The operator of a recreational vehicle park may request that a transient guest or visitor who violates subsection (1) leave the premises immediately. A person who refuses to leave the premises commits the offense of trespass as provided in s. 810.08, and the operator may call a law enforcement officer to have the person and his or her property removed under the supervision of the officer. A law enforcement officer is not liable for any claim involving the removal of the person or property from the recreational vehicle park under this section, except as provided in s. 768.28. If conditions do not allow for immediate removal of the person's property, he or she may arrange a reasonable time, not to exceed 48 hours, with the operator to come remove the property, accompanied by a law enforcement officer.

(3) Such refusal of accommodations, service, or access to the premises may not be based upon race, color, national origin, sex, physical disability, or creed.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 21, ch. 93-150; s. 7, ch. 2020-126.

**513.121 Obtaining accommodations in a recreational vehicle park with intent to defraud; penalty; rules of evidence.—**

(1) Any person who obtains accommodations in a recreational vehicle park which have a value of less than \$300 on a transient basis, with intent to defraud the operator of the park, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; if such accommodations have a value of \$300 or more, such person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) In a prosecution under subsection (1), proof that the accommodations were obtained by false pretense; by false or fictitious show of property; by absconding without paying, or offering to pay, for such accommodations; or by surreptitiously removing, or attempting to remove, a recreational vehicle, park trailer, or tent constitutes prima facie evidence of fraudulent intent. If the operator of the park has probable cause to believe, and does believe, that any person has obtained accommodations at the park with intent to defraud the operator of the park, the failure to make payment upon demand for payment, there being no dispute as to the amount owed, constitutes prima facie evidence of fraudulent intent.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 131, ch. 91-224; s. 36, ch. 92-78; s. 22, ch. 93-150.

**513.122 Theft of personal property; detention and arrest of violator; theft by employee.—**

(1) Any law enforcement officer or operator of a recreational vehicle park who has probable cause to believe, and does believe, that theft of personal property belonging to such park has been committed by a person and that the officer or operator can recover such property or the reasonable value thereof by taking the person into custody may, for the purpose of attempting to effect such recovery or for prosecution, take such person into custody on the premises and detain such person in a reasonable manner and for a reasonable period of time. If the operator takes the person into custody, a law enforcement officer shall be called to the scene immediately. The taking into custody and detention by a law enforcement officer or an operator of a recreational vehicle park, if done in compliance with this subsection, does not render such law enforcement officer or operator criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(2) Any law enforcement officer may arrest, either on or off the premises and without warrant, any person if there is probable cause to believe that person has committed theft in a recreational vehicle park.

(3) Any person who resists the reasonable effort of a law enforcement officer or an operator of a recreational vehicle park to recover property that the law enforcement officer or operator has probable cause to believe had been stolen from the recreational vehicle park and who is subsequently found to be guilty of theft of the subject property is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, unless such person did not know, or did not have reason to know, that the person seeking to recover the property was a law enforcement officer or the operator of the recreational vehicle park. For purposes of this section, the charge of theft and the charge of resisting apprehension may be tried concurrently.

(4) Theft of any property belonging to a guest of a recreational vehicle park permitted under this chapter, or of property belonging to such a park, by an employee of the park or by an employee of a person that has contracted

to provide services to the park constitutes a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 23, ch. 93-150.

**513.13 Recreational vehicle parks; ejection; grounds; proceedings.—**

(1) The operator of any recreational vehicle park may remove or cause to be removed from such park, in the manner provided in this section, any transient guest of the park who, while on the premises of the park, illegally possesses or deals in a controlled substance as defined in chapter 893; who disturbs the peace, quiet enjoyment, and comfort of other persons; who causes harm to the physical park; who violates the posted park rules and regulations; or who fails to make payment of rent at the rental rate agreed upon and by the time agreed upon. The admission of a person to, or the removal of a person from, any recreational vehicle park may not be based upon race, color, national origin, sex, physical disability, or creed.

(2) The operator of any recreational vehicle park shall notify such guest that the park no longer desires to entertain the guest and shall request that such guest immediately depart from the park. Such notice shall be given in writing, as follows: "You are hereby notified that this recreational vehicle park no longer desires to entertain you as its guest, and you are requested to leave at once. To remain after receipt of this notice is a misdemeanor under the laws of this state." If such guest has paid in advance, the park shall, at the time such notice is given, tender to the guest the unused portion of the advance payment. Any guest who remains or attempts to remain in such park after being requested to leave commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If a guest has accumulated an outstanding account in excess of an amount equivalent to 3 nights' rent at a recreational vehicle park, the operator may disconnect all utilities of the recreational vehicle and notify the guest that the action is for the purpose of requiring the guest to confront the operator or permittee and arrange for the payment of the guest's account. Such arrangement must be in writing, and a copy shall be furnished to the guest. Upon entering into such agreement, the operator shall reconnect the utilities of the recreational vehicle.

(4) If any person is illegally on the premises of any recreational vehicle park, the operator of such park may call upon any law enforcement officer of this state for assistance. It is the duty of such law enforcement officer, upon the request of such operator, to remove from the premises or place under arrest any guest who, according to the park operator, violated subsection (1) or subsection (2). If a warrant has been issued by the proper judicial officer for the arrest of any guest who violates subsection (1) or subsection (2), the officer shall serve the warrant, arrest the guest, and take the guest into custody. Upon removal or arrest, with or without warrant, the guest is deemed to have abandoned or given up any right to occupancy of the premises of the recreational vehicle park; and the operator of the park shall employ all reasonable and proper means to care for any personal property left on the premises by such guest and shall refund any unused portion of moneys paid by such guest for the occupancy of such premises. If conditions do not allow for immediate removal of the guest's property, he or she may arrange a reasonable time, not to exceed 48 hours, with the operator to come remove the property, accompanied by a law enforcement officer.

(5) In addition to the grounds for ejection established by law, grounds for ejection may be established in a written lease agreement between a recreational vehicle park operator or permittee and a recreational vehicle park guest.

History.—ss. 11, 15, ch. 83-321; s. 12, ch. 84-182; s. 93, ch. 85-81; s. 132, ch. 91-224; ss. 24, 26, ch. 93-150; s. 8, ch. 2020-126.

**513.151 Recreational vehicle parks; guests in transient occupancy; operator's rights and remedies; writ of distress.—**This section applies only to guests in transient occupancy in a recreational vehicle park.

**(1) OPERATOR'S RIGHT TO DISCONNECT UTILITIES.—**

(a) If an operator of a recreational vehicle park makes a reasonable determination that a guest has accumulated a large outstanding account at such park, the operator may disconnect all utilities of the recreational vehicle or tent, except that the operator must not by such actions create a sanitary nuisance. The operator may also take such other measures considered necessary for the purpose of requiring the guest to confront the operator

and arrange for payment on the guest's account. Such arrangement must be in writing, and a copy shall be furnished to the guest.

(b) Once the guest has confronted the operator and made arrangement for payment on the guest's account, the operator shall reconnect the utilities of the recreational vehicle or tent, or otherwise reverse the measures taken under paragraph (a).

(2) OPERATOR'S RIGHT TO RECOVER PREMISES.—If the guest of a recreational vehicle park vacates the premises without notice to the operator and the operator reasonably believes the guest does not intend to satisfy the outstanding account, the operator may recover the premises by removing the recreational vehicle or tent from the site. The operator shall take all reasonable and proper means to care for the recreational vehicle or tent until a settlement or a final court judgment is obtained on the guest's outstanding account. Upon recovery of the premises, the operator shall seal, or cause to be sealed, the recreational vehicle in the presence of at least one other person who is not an agent of the operator or shall make an itemized inventory of any property belonging to the guest and store such property until a settlement or a final court judgment is obtained on the guest's outstanding account. Such inventory shall be conducted by the operator and at least one other person who is not an agent of the operator.

(3) OPERATOR'S WRIT OF DISTRESS.—If, after there has been a disconnection of utilities pursuant to subsection (1), a guest fails to make the agreed-upon payments on the guest's account, or, notwithstanding subsection (1), if a guest vacates the premises without making payment on the guest's outstanding account, the operator may proceed to prosecute a writ of distress against the guest and the guest's property. The writ of distress must be predicated on the lien created by s. 713.77.

(a) An action under this subsection must be brought in a court of appropriate jurisdiction in the county where the property is located. If the property consists of separate articles, the value of any one of which articles is within the jurisdictional amount of a lower court but the total value of which articles, taken together, exceeds that jurisdictional amount, the plaintiff may not divide the property to give jurisdiction to the lower court so as to enable the plaintiff to bring separate actions for the property.

(b) To obtain an order authorizing the issuance of a writ of distress upon final judgment, the plaintiff must first file with the clerk of the court a complaint reciting and showing the following information:

1. A statement of the amount of the guest's account at the recreational vehicle park.
2. A statement that the plaintiff is the operator of the recreational vehicle park in which the guest has an outstanding account. If the plaintiff's interest in such account is based on written documents, copies of such documents must be attached to the complaint.
3. A statement that the operator has made a reasonable attempt to obtain payment from the guest for an outstanding account, either by confronting the guest or by a disconnection of utilities pursuant to subsection (1), and a statement that the guest has failed to make any payment or that the guest has vacated the premises without paying the outstanding account.
4. A statement that the account is outstanding and unpaid by the guest; a statement of the services provided to the guest for which the outstanding account was accumulated; and a statement of the cause of such nonpayment according to the best knowledge, information, and belief of the plaintiff.
5. A general statement as to what property the plaintiff is requesting levy against, including the property included in the inventory conducted pursuant to subsection (2) if the operator has recovered the premises, and a statement of the authority under which the plaintiff has a lien against such property.
6. A statement, to the best of the plaintiff's knowledge, that the claimed property has not been taken for a tax, assessment, or fine pursuant to law or taken under an execution or attachment by order of any court.

(c) The officer of the court to whom a writ of distress is directed shall execute the writ of distress by serving it on the defendant and by levying on the property distrainable for services rendered, if such property is found within the area of the officer's jurisdiction. If the property is not found in that jurisdiction but is in another jurisdiction, the officer shall deliver the writ to the proper authority in the other jurisdiction. The writ shall be executed by levying on such property and delivering it to the officer of the court in which the action is pending, and the property shall be disposed of according to law, unless the officer is ordered by such court to hold the property and

dispose of it according to law. If the defendant cannot be found, the levy on the property suffices as service of the writ on the defendant if the plaintiff and the officer each file a sworn statement stating that the whereabouts of the defendant are unknown.

(4) OPERATOR'S PREJUDGMENT WRIT OF DISTRESS.—

(a) A prejudgment writ of distress may issue, and the property seized may be delivered forthwith to the plaintiff, if the nature of the claim, the amount of the claim, and the grounds relied upon for the issuance of the writ clearly appear from specific facts shown by the verified petition or by a separate affidavit of the plaintiff.

(b) The prejudgment writ of distress may issue if the court finds, pursuant to paragraph (a), that the defendant has failed to make payment as agreed and that the defendant is engaging in, or is about to engage in, conduct that may place the claimed property in danger of being destroyed, being concealed, being removed from the state, being removed from the jurisdiction of the court, or being transferred to an innocent purchaser during the pendency of the action.

(c) A prejudgment writ of distress may issue only upon a signed order of a circuit judge or a county court judge. The prejudgment writ of distress must include a notice of the defendant's right to an immediate hearing before the court issuing the writ.

(d) The plaintiff must post bond in the amount of twice the estimated value of the goods subject to the writ or twice the balance of the outstanding account, whichever is the lesser amount as determined by the court, as security for the payment of damages the defendant may sustain if the writ is wrongfully obtained.

(e) The prejudgment writ issued under this subsection must command the officer to whom it may be directed to distrain the described personal property of the defendant and hold such property until final judgment is rendered.

(f)1. The defendant may obtain release of the property seized under a prejudgment writ of distress by posting bond with a surety within 10 days after service of the writ, in the amount of 125 percent of the claimed outstanding account, for the satisfaction of any judgment that may be rendered against the defendant, conditioned upon delivery of the property if the judgment should require it.

2. As an alternative to the procedure prescribed in subparagraph 1., the defendant, by motion filed with the court within 10 days after service of the writ, may obtain the dissolution of a prejudgment writ of distress, unless the plaintiff proves the grounds upon which the writ was issued. The court shall set such motion for an immediate hearing.

(5) INVENTORY OF DISTRAINED PROPERTY.—When the officer seizes distrainable property, either under paragraph (3)(c) or paragraph (4)(e), and such property is seized on the premises of a recreational vehicle park, the officer shall inventory the property; hold those items which, upon the officer's appraisal, would satisfy the plaintiff's claim; and return the remaining items to the defendant. If the defendant cannot be found, the officer shall hold all items of property seized. The officer may release the property only pursuant to law or a court order.

(6) EXECUTION ON PROPERTY IN POSSESSION OF THIRD PERSON.—If the property to be distrained is in the possession of the defendant at the time of the issuance of a writ under subsection (3) or a prejudgment writ under subsection (4) and the property passes into the possession of a third person before the execution of the writ, the officer holding the writ shall execute it on the property in the possession of the third person and shall serve the writ on the defendant and the third person; and the action, with proper amendments, shall proceed against the third person.

(7) CLAIM BY THIRD PERSON TO DISTRAINED PROPERTY.—A third person claiming any property distrained pursuant to this chapter may interpose and prosecute a claim for that property in the same manner as is provided for similar cases of claim to property levied on under execution.

(8) JUDGMENT.—

(a) *For plaintiff.*—

1. If it appears that the account stated in the complaint is wrongfully unpaid, and the property described in such complaint is the defendant's and was held by the officer executing the prejudgment writ, the plaintiff shall have judgment for the damages sustained by the plaintiff, which judgment may include reasonable attorney's fees

and costs, by taking title to the defendant's property in the officer's possession or by having the property sold as prescribed in subsection (9).

2.a. If it appears that the property was retained by, or redelivered to, the defendant on the defendant's forthcoming bond, either under subparagraph (4)(f)1. or subparagraph (4)(f)2., the plaintiff shall take judgment for the property, which judgment may include reasonable attorney's fees and costs, and against the defendant and the surety on the forthcoming bond for the value of the outstanding account; and the judgment, which may include reasonable attorney's fees and costs, shall be satisfied by the recovery and sale of the property or the amount adjudged against the defendant and the defendant's surety.

b. After the judgment is rendered, the plaintiff may seek a writ of possession for the property and execution for the plaintiff's costs or may have execution against the defendant and the defendant's surety for the amount recovered and costs. If the plaintiff elects to have a writ of possession for the property and the officer returns that the officer is unable to find the property or any part of it, the plaintiff may immediately have execution against the defendant and the defendant's surety for the whole amount recovered less the value of any property found by the officer. If the plaintiff has execution for the whole amount, the officer shall release all property taken under the writ of possession.

c. In any proceeding to ascertain the value of the property so that judgment for the value may be entered, the value of each article must be found. When a lot of goods, wares, or merchandise has been distrained, it is sufficient to ascertain the total value of the entire lot found, and it is not necessary to ascertain the value of each article of the lot.

(b) *For defendant.*—

1. If property has been retained by, or redelivered to, the defendant on the defendant's forthcoming bond or upon the dissolution of a prejudgment writ and the defendant prevails, the defendant shall have judgment against the plaintiff for any damages of the defendant for the taking of the property, which judgment may include reasonable attorney's fees and costs.

2. If the property has not been retained by, or redelivered to, the defendant and the defendant prevails, judgment shall be entered against the plaintiff for possession of the property, which judgment may include reasonable attorney's fees and costs.

3. The remedies provided in this paragraph do not preclude any other remedies available under the laws of this state.

(9) **SALE OF DISTRAINED PROPERTY.**—

(a) If the judgment is for the plaintiff, the property in whole or in part shall, at the plaintiff's option pursuant to subparagraph (8)(a)1. or subparagraph (8)(a)2., be sold and the proceeds applied to the payment of the judgment.

(b) Before any property levied on is sold, it must be advertised two times, the first advertisement being at least 10 days before the sale. All property so levied on may be sold on the premises of the recreational vehicle park or at the courthouse door.

(c) If the defendant appeals and obtains a writ of supersedeas before sale of the property, the officer executing the writ shall hold the property, and there may not be any sale or disposition of the property until final judgment is had on appeal.

(10) **EXEMPTIONS FROM DISTRESS AND SALE.**—The following property of a guest is exempt from distress and sale under this chapter:

(a) From final distress and sale: clothing; and items essential to the health and safety of the guest.

(b) From prejudgment writ of distress: clothing; items essential to the health and safety of the guest; and any tools of the guest's trade or profession, business papers, or other items directly related to such trade or profession.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 94, ch. 85-81; s. 36, ch. 92-78; s. 25, ch. 93-150.

# Florida Administrative Code (F.A.C.)

## CHAPTER 64E-15

### MOBILE HOME, LODGING, AND RECREATIONAL VEHICLE PARKS AND RECREATIONAL CAMPS

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#### 64E-15.001 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings indicated:

- (1) "Easily Cleanable" – surfaces that are readily accessible and of such material, finish and so fabricated that residue may be effectively removed by normal cleaning methods.
- (2) "Family Residential Unit" – means a habitable room of rooms set aside in either a single building or a multi-unit building for the exclusive use of a single family.
- (3) "Group Camp Site" – means campsites open to the public which provide housing for transient occupancy. Occupants of such campsites are housed in tents or similar housing which provide protection from the elements to transient, overnight campers. The term also includes sites utilized by organizations such as Boy Scouts, Girl Scouts, church or other non profit groups whose memberships are open to the public.
- (4) "Habitable Room" – means a room or enclosed floor space of a permanent living quarter used or intended to be used at a recreational camp for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets or other storage space.
- (5) "Mobile Home Space" – means a designated parcel of land designed for the accommodation of a mobile home, its accessory buildings or structures, and accessory equipment for the exclusive use of the occupants.
- (6) "Modification" – means an increase in the number of a park's spaces or a camp's capacity or a change in the configuration of the park or camp. Reduction of the total number of spaces by consolidation of existing adjacent spaces is not considered a modification.
- (7) "Non Self-Contained Unit" – means a recreational vehicle which does not have a flush toilet, bathtub, or shower. The term non self-contained unit includes tents.
- (8) "Potable Water Supply Station" – means a facility used to fill the water storage tanks of recreational vehicles with potable water from an approved water system pursuant to the provisions of Chapter 64E-8, 62-550 or 62-555, F.A.C.
- (9) "Recreational Vehicle Space" – means a parcel of land in a recreational vehicle park designated for the placement of one recreational vehicle, one park model recreational vehicle or one tent for the exclusive use of its occupants. A site may also contain such temporary structures as screened enclosures and storage sheds, or it may contain a combination of one recreational vehicle and tents for the exclusive use of a single family.
- (10) "Sanitary Dump Station" – means a properly designed facility used for receiving and disposing of liquid wastes from recreational vehicle holding tanks.
- (11) "Self-Contained Unit" – means a recreational vehicle which has a flush toilet, bathtub or shower, handwashing compartment, and internal storage compartments of potable water supply and sewage holding.
- (12) "Semi-Primitive Wilderness Camp" – means camp sites open to the public accessible only by walk-in, equestrian, or motorized trail vehicles that do not contain facilities for overnight stay as do group camp sites.
- (13) "Shelter" – means any building of one or more rooms, mobile homes, and recreational vehicles used for sleeping or living quarters at a recreational camp.
- (14) "Tent" – means a collapsible shelter made of canvas or other fabric supported by ropes or poles.

**64E-15.002 Sites – Mobile Home, Lodging, and Recreational Vehicle Parks.**

(1) General.

(a) Each site of a new or modified mobile home, lodging or recreational vehicle park shall be evaluated by the county public health unit to determine that it is not subject to environmental hazards. Park spaces shall be graded so that water drainage will not cause standing water under the unit.

(b) The area of a new or modified mobile home, lodging, or recreational vehicle park shall be planned to accommodate the designated number of mobile home or recreational vehicle spaces, tents, buildings, necessary streets, roadways and parking areas for motor vehicles in accordance with the provisions of this rule. Every park shall provide space so that the parking, loading or maneuvering of manufactured and recreational housing shall not necessitate the use of sidewalks or rights-of-way or any private ground not part of the park.

(c) All spaces of existing parks shall be deemed to comply with the space requirements of this rule on its effective date, if the space does not adversely impact public health through overcrowding, overloading the sewage treatment and disposal system, overload of the solid waste storage system, overload of the water supply system, or the creation a sanitary nuisance.

(2) Mobile Home and Lodging Parks. The minimum area requirements of each mobile home space constructed or developed after the effective date of this rule shall be as follows:

(a) Each mobile home space designated for a single section mobile home shall contain a minimum of 2,400 square feet with a minimum 35 foot width.

(b) Spaces to be utilized for a double-wide mobile home shall contain no less than 3,500 square feet with a minimum 50 foot width.

(c) All mobile home and lodging park spaces and their appurtenances shall be located a minimum of 5 feet or more from the exterior boundaries, from the water of any canal, lake, or other body of water within the park.

(3) Recreational Vehicle Parks. The minimum size and location of each recreational vehicle space constructed or developed after the effective date of this rule shall be as follows:

(a) Each recreational vehicle space shall contain a minimum of 1,200 square feet.

(b) The density shall not exceed 25 recreational vehicle units per acre of gross site.

(c) Each tent space shall contain a minimum of 500 square feet.

(d) Each recreational vehicle space shall be clearly identified.

**64E-15.003 Water Supply.**

(1) The water supply for each Mobile Home Park, Lodging Park, Recreational Vehicle Park, or Recreational Camp, shall comply with the provisions of Chapter 64E-8, F.A.C., Drinking Water Systems, or Chapter 62-550, F.A.C., Drinking Water Standards, Monitoring and Reporting, 40 C.F.R. §141, Subpart I – Control of Lead and Copper, Edition of July, 2000, which is incorporated herein by reference and available free on the internet, 40 C.F.R. §141 Subpart L – Disinfection and Residuals, Disinfection Byproductism and Disinfection Byproduct Precursors, Edition of July 1, 2003, which is incorporated herein by reference and available free on the internet, 40 C.F.R. §141 Subpart O – Consumer Confidence reports, Edition of July 1, 2004, which is incorporated herein by reference and available free on the internet, Chapter 62-555, F.A.C., Permitting, Construction, Operation, and Maintenance of Public Water Systems, and Chapter 62-560, F.A.C., Requirements for Public Water Systems That Are Out of Compliance. The system for each park shall be designed for the maximum water demand.

(2) In a mobile home or lodging park, at least one water supply service connection shall be provided to each mobile home space and shall be so designed and constructed as to prevent backflow or back-siphonage. The water connections shall be protected from damage by the parking of mobile homes. Multi-family mobile home units shall be provided an individual water supply connection to each family residential unit served.

(3) Every building in a recreational vehicle park which provides personal hygiene or cooking facilities shall be connected to an approved, potable water supply which meets the minimum requirements of subsection (1), above. Recreational vehicle parks shall also comply with the following additional requirements:

(a) In recreational vehicle parks, where each space is served by a water supply service connection, the connection shall be



protected against the hazards of backflow and back-siphonage.

(b) All recreational vehicle parks shall provide at least one easily accessible, backflow and back-siphonage protected potable water supply station with a water supply outlet for filling vehicle storage tanks. Recreational vehicle parks constructed after the effective date of this rule shall provide a potable water supply station for each 100 spaces, or fraction thereof, that do not have water hookups at the site. Recreational vehicle parks constructed after the effective date of this rule shall provide a potable water supply station for each 250 spaces, or fraction thereof, when more than 50 percent of the spaces have water and sewer hookups.

(c) Non-potable water accessibility shall not be co-located with potable water access points (hydrants, taps, or hose bibbs). Non-potable water access shall be designated and secured to prevent use as a potable water supply. Residents and guests shall be informed how to identify any non-potable water accessibility points within a park or camp.

*Rulemaking Authority 381.011(13), 513.05 FS. Law Implemented 381.006(1), 386.041, 513.12, 513.05 FS. History—New 5-20-96, Formerly 10D-26.120, Amended 12-30-09.*

#### **64E-15.004 Sewage Disposal.**

(1) A safe method of sewage collection, disposal, or treatment and disposal shall be provided at each park or camp and shall be in compliance with either Chapter 64E-6, F.A.C., Standards for Onsite Sewage Treatment and Disposal Systems, or Chapter 62-600, F.A.C., Domestic Wastewater Facilities. Transportable wastewater containers and cassette-type toilets may be used under the following conditions:

(a) The transportable wastewater container and cassette-type toilet must be specifically designed and sold for holding and transporting wastewater, and must have a tight-capping lid and watertight connections that under normal use will not leak or spill.

(b) Waste from hand washing sinks, kitchen sinks, and showers may be disposed of into transportable wastewater containers. Toilet waste may not be placed into a transportable wastewater container.

(c) Cassette-type portable toilets are acceptable for the holding and transportation of toilet waste, provided the storage container can be sealed in such a manner as to preclude leaking or spillage during transportation.

(d) Transportable wastewater containers and cassette-type toilets shall be transported to an approved disposal site in such a manner as to preclude leakage, spillage or the creation of a sanitary nuisance.

(e) Should waste spill onto the ground from a transportable wastewater container or cassette-type toilet, the person transporting the tank shall immediately notify the park's management.

(f) Park managers are responsible for enforcement of these provisions. Parks or camps agreeing to the use of transportable wastewater containers and/or cassette-type toilets shall post a sign or otherwise notify camp residents of a phone number where any transportable wastewater containers or cassette toilet spills can be reported to management. Park management shall have on file a protocol for disinfecting spills, and will take action to disinfect the spill area.

(2) Each mobile home site shall be provided with a sanitary sewer connection point. The waste line connector between the mobile home unit and the park's sewer system shall be self draining and leak proof from liquids and gases and be connected by means of a rigid, acid resistant connector.

(3) In recreational vehicle parks, where each space is provided a sanitary sewer disposal connection, the connection shall be self draining and leak proof from liquids and gases and be connected by means of a readily removable, acid resistant material.

(4) The connection point for all sewer outlets shall be tightly capped when not in use.

(5) All recreational vehicle parks shall be provided with at least one easily accessible sanitary dump station for the use of occupants or patrons. Recreational vehicle parks, constructed after the effective date of this rule shall provide a sanitary dump station for each 100 spaces, or fraction thereof, or for each 250 spaces, or fraction thereof, when more than fifty percent of the spaces have sewage disposal hookups.

(6) Sanitary dump stations shall consist of a trapped four inch sewer riser pipe that is connected to an approved sewage system. It shall be surrounded at the inlet end by a concrete apron sloped to the drain and provided with a suitably sized and hinged cover. A water supply outlet for wash down shall be provided with a water source which is protected from backflow and back-siphonage, and retractable, spring coiled water delivery device or other system approved by the local plumbing jurisdiction.

(7) A sign shall be posted immediately adjacent to the wash down hose stating in letters of at least three inches height, WATER NOT SAFE FOR DRINKING.

*Rulemaking Authority 381.011, 513.05 FS. Law Implemented 381.006(7), (14), 381.0065, 386.041, 513.08 FS. History—New 5-20-96, Formerly 10D-26.130, Amended 1-6-03, 12-30-09.*

#### **64E-15.005 Sanitary Facilities.**

(1) Existing recreational vehicle parks shall be deemed in compliance with the sanitary facilities requirements of this chapter if no reported and confirmed sanitary nuisances or communicable diseases have been reported due to insufficient numbers of sanitary facilities since January 1, 1993.

(2) All recreational vehicle parks constructed after the effective date of this rule shall provide a minimum of one toilet, one urinal, one handwashing fixture, and one shower for males and two toilets, one handwashing fixture, and one shower for females.

(3) Recreational vehicle parks constructed after the effective date of this rule which offer spaces to non self-contained units, shall provide the minimum required sanitary fixtures for each 25 non self-contained spaces or fractions thereof. For the purpose of this chapter, non self-contained units shall be considered to house two people equally divided as to gender. One of the required showers may be designated as gender neutral if interior locking devices and a private dressing room are available. Gender neutral facilities must be enclosed from floor to ceiling.

(4) Recreational vehicle parks, where water and sewage connections are available at each space and serve only self-contained units, are required to provide the minimum number of sanitary facilities for its patrons.

(5) Fixtures in sanitary facilities shall be maintained in working order and accessible. Toilet paper, soap, and single use hand towels or hand drying devices shall be provided at toilets and handwashing facilities.

(6) If a park owner files a letter with the county health department stating the recreational vehicle park has a potable water and sewer hook-up at each site and the park only rents to recreational vehicles that are self-contained units, the park will be exempt from the sanitary facilities requirements in subsections 64E-15.005(2), and (4), F.A.C., the sewage disposal requirements in subsections 64E-15.004(5), (6), and (7), F.A.C., and the water requirements in paragraph 64E-15.003(3)(b), F.A.C.

*Rulemaking Authority 381.011, 513.05 FS. Law Implemented 381.006(6), (14), 386.041, 513.012 FS. History—New 5-20-96, Formerly 10D-26.140, Amended 6-7-07.*

#### **64E-15.006 Plumbing.**

Plumbing shall be in compliance with the plumbing requirements of the 2007 edition of the Florida Building Code, herein incorporated by reference and available free on the internet at [http://www2.iccsafe.org/states/florida\\_codes/](http://www2.iccsafe.org/states/florida_codes/).

*Rulemaking Authority 381.011, 513.05 FS. Law Implemented 381.006(6), (14), 386.041, 513.05, 513.08, 553.73 FS. History—New 5-20-96, Formerly 10D-26.150, Amended 12-30-09.*

#### **64E-15.007 Garbage and Refuse Disposal.**

(1) Garbage and refuse shall be stored, collected and disposed of in a manner that does not create nuisances, odors, rodent harborage, insect breeding, accident hazards, or air pollution.

(2) All garbage shall be stored in containers that are impervious to water and rodent vectors and have tight-fitting lids. Containers shall be provided in number to prevent garbage overflow. Portable bulk units for central storage shall be covered when not in use and cleaned on a scheduled basis.

(3) All garbage shall be collected twice weekly or in accordance with the frequency of the collection jurisdiction and transported in covered vehicles or covered containers. Burning of refuse in the park or camp is prohibited, except in incinerators for which the design and location has been approved by the Department of Environmental Protection. Refuse shall be transported and disposed of in accordance with provisions of Chapter 62-701, F.A.C., Solid Waste Management Facilities.

*Rulemaking Authority 381.011, 513.05 FS. Law Implemented 381.006(4), (14), 386.041, 513.012 FS. History—New 5-20-96, Formerly 10D-26.160, Amended 12-30-09.*

#### **64E-15.008 Insect and Rodent Control.**

All park sites shall be well drained, free from standing water, and maintained to inhibit the breeding of mosquitoes. The premises shall be kept free of refuse, debris, garbage, waste paper and rubble which may provide harborage for rodents. Approved methods shall be used to reduce harmful rodents, insects, and arachnids such as rats, spiders, flies, ants, and ticks.

*Rulemaking Authority 381.011, 513.05 FS. Law Implemented 381.006(4), (14), 386.041, 513.05 FS. History—New 5-20-96, Formerly 10D-26.170.*

#### **64E-15.009 Recreational Camp Standards.**

(1) Sites.

(a) Group camp sites shall be well drained and maintained to inhibit the breeding of mosquitoes. Cabins and sleeping quarters shall not be developed within 200 feet of marshes, bottom lands, natural sinkholes, swamps, stagnant water pools or other surface collectors of water.

(b) Eating and sleeping structures shall be located more than 200 feet from barns, pens or similar quarters of livestock or poultry.

(c) The total area required of a tent space shall be a minimum area of 500 square feet.

(d) Semi-primitive wilderness camps are not required to provide any of the facilities offered by this chapter. When offered, the facilities shall comply with the provisions of this chapter.

(2) Shelters.

(a) All rooms designed or used for sleeping purposes shall provide a minimum of 300 cubic feet of air space for each occupant. In computing the cubic footage of sleeping rooms, ceiling heights shall be counted to a maximum of 9 feet and no floor area shall be counted where the ceiling height is less than 6 feet.

(b) All shelters used as family residential units shall contain a minimum of 50 square feet of floor space for each occupant. Sleeping rooms in such family residential units shall also meet the air space requirements of this section.

(c) Separate sleeping quarters shall be provided for each gender except in the housing of families.

(d) All openable windows of the camp shall be screened with screening of not less than 16 mesh. Mechanical ventilation facilities shall be cleaned and maintained at least every six months.

(3) Heating-Recreational Camps.

(a) Heating appliances shall be provided in all non-transient shelters to maintain a minimum room temperature of 68 degrees Fahrenheit during the months of September through April.

(b) Heating appliances, other than electrical, shall be provided with a vent pipe or vent connected to the appliance and discharging to the outside air or chimney.

(4) Electric Wiring-Recreational Camps. Electric wiring shall be installed in accordance with the electrical requirements of the 2008 version of the National Electrical Code which is incorporated herein by reference and available from NFPA, One Batterymarch Park, Quincy, Massachusetts 02169-7471.

(5) Beds and Bedding-Recreational Camps.

(a) Sleeping facilities shall be provided for each camp occupant when alternative arrangements have not been made. Such facilities shall consist of beds, cots or bunks and shall include clean mattresses and mattress covers.

(b) Blankets and other bed coverings provided by the camp operator shall be laundered or otherwise sanitized between assignment to different camp occupants.

(c) Regular inspection of beds and bedding shall be made to ensure freedom from vermin. The extermination of vermin found in bedding shall be accomplished before anyone is allowed to use the bedding again.

(d) Every bed, cot or bunk shall have a clear space of at least 12 inches from the floor. There shall be a clear ceiling height of not less than 36 inches above any mattress and there shall be clear space of not less than 27 inches between the top of the lower mattress and the bottom of the upper bunk of a double deck facility. Triple deck facilities shall be prohibited, and in sleeping rooms provided for other than family groups, double beds shall be prohibited.

(e) Beds, cots or bunks shall be spaced not less than 30 inches laterally or end to end. A minimum of 4 feet of clear aisle space shall be provided in all dormitories.

(6) Food Service Facilities-Recreational Camps.

(a) In camps where there is a central mess or multi-family feeding facility such as a dining room or mess hall, it shall be operated in compliance with Chapter 64E-11, F.A.C.

(b) Other food service operations shall be inspected and approved by the department.

(7) Sanitary Facilities and Sewage Disposal-Recreational Camps.

(a) For new construction after the effective date of this rule, the number of sanitary fixtures provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time. All shower and wash basin fixtures shall be provided with water under pressure. Tents shall be considered to house 2 people equally divided as to gender. Sanitary facilities ratios shall be provided for the following number of persons or fraction thereof:

Females

Males

Toilets	1:10	1:15
Wash Basins	1:10	1:15
Showers	1:15	1:15
Urinals		1:25

(b) In dormitory or barracks type sleeping facilities, separate personal hygiene facilities shall be provided for each gender. The rooms shall be distinctly marked for male or female use. If the facilities for both genders are in the same building, the rooms shall be separated by partitions extending from the floor to the roof or ceiling. Provisions shall be made for adequate dressing space adjacent to each bathing facility.

(c) Every water closet or flush toilet installed shall be located in a toilet room and shall be properly connected to a satisfactory sewage treatment and disposal system which complies with the requirements of the department or the Florida Department of Environmental Protection. Each water closet shall have a privacy partition.

(d) Laundry facilities or another laundering alternative approved by the department shall be provided to meet the needs and purposes of the camp. Laundry facilities shall not be used for kitchen waste disposal. Laundry waste shall be disposed of in accordance with Rule 64E-15.004, F.A.C., of this rule.

(e) Toilet, handwashing, and bathing facilities contained in family residential units shall not be considered when establishing the required number of fixtures of communal sanitary facilities. Each family residential unit of a camp, excluding tents and recreational vehicles, shall contain at least a flush toilet, bathtub or shower, and a wash basin.

(f) The floors of toilet, handwashing, bathing, and laundry facilities shall be of easily cleanable, non-skid finish, impervious to moisture and sloped to a drain. Trapped floor drains shall be provided in all shower baths and shower rooms to remove waste water and facilitate cleaning. The walls and partitions of shower rooms shall be easily cleanable and impervious to moisture. When hose bibs are used to clean communal sanitary facilities, the hose bib is required to have a backflow prevention device. The wall and floor space to a point of 1 foot in front of the urinal lip and rising 4 feet on the sides of the urinal shall be faced with a non-absorbent material.

(g) In permanent buildings, each toilet room shall be so located that no individual is required to pass through a sleeping area, other than his own, in order to use toilet facilities. Toilet fixtures shall have privacy partitions. Toilet rooms shall be ventilated to the outside. A toilet facility shall be located no farther than 200 feet from the door of each sleeping room.

(8) Water Supply-Recreational Camps.

(a) A supply of water under pressure that conforms with the requirements of subsection 64E-15.003(1), F.A.C., shall be available for drinking, culinary purposes, and sanitary facilities.

(b) Where water is not provided in the habitable room of a shelter, water outlets shall be located such that no shelter or habitable room is more than 100 feet from such an outlet. Drainage from the overflow or spillage from such outlets shall be plumbed to an approved sewage system.

(c) Where drinking fountains are provided, the construction shall be the angle jet type.

*Rulemaking Authority 381.0011, 513.05 FS. Law Implemented 381.006(6), (14), 381.0072, 513.05 FS. History—New 5-20-96, Formerly 10D-26.180, Amended 12-30-09.*

**64E-15.010 Permits and Fees.**

(1) Permit Required.

(a) A mobile home park or lodging park which also has 5 or more sites set aside for recreational vehicles, shall comply with all permitting requirements of recreational vehicle parks included in this chapter. Parks allowing less than 5 non self-contained recreational vehicles shall be required to provide sanitary facilities in the ratios of subsection 64E-15.005(3), F.A.C., Sanitary Facilities.

(b) Where 5 or more migrant farmworkers are housed in units of a park, the units which house the migrant farmworkers shall be inspected in accordance with the standards of Chapter 64E-14, F.A.C., Migrant Labor Camps, under the statutory authority of Sections 381.008-.00897, F.S. The department shall issue a revised operating permit that will serve as both the park permit and the residential migrant housing permit.

(c) Any person holding a permit shall notify the local county health department in writing at least 30 days prior to the modification of any park or camp.

(2) Permit Application.

(a) Applications for first time permits, migrant parks, change of ownership and modification of existing parks, shall be made on DH Form 4037, Application for Mobile Home Park, Mobile Home Park Housing, Migrant Farmworkers, Lodging Park, Recreational Vehicle Park and Recreational Camp, 09/98, which is incorporated herein by reference and furnished by the department through the county health departments. Applications for first time permits shall be filed with the department at least 30 days before a park or camp's operations are scheduled to begin. Applications for renewal of a park or camp permit are not required except for a migrant park.

(b) Parks and camps that do not have a valid set of plans on file at the county public health unit on the effective date of this rule, must submit them at the time of permit application. The plans must include a drawing of the park or camp that includes the area and dimensions of the tract of land; the space number or other designation of the space; the location and size of all mobile home spaces, recreational vehicle spaces, and tent spaces; and the location of all roadways. The drawing does not have to be drawn to scale or completed by an engineer if the space dimensions are shown. For permanent buildings located within the park or camp, a floor plan shall be submitted showing the number, types and distribution of all plumbing fixtures.

(c) Persons planning to construct new mobile home, lodging, and recreational vehicle parks and recreational camps, and persons who plan modification of a park or camp shall submit a set of plans drawn to scale and include the area and dimensions of the tract of land; the space number or other designation of the space; the location and size of all proposed mobile home, recreational vehicle, or tent spaces; the location of roadways; and the location of any added service buildings.

(d) Persons who plan to consolidate and decrease the number of existing spaces in a park or camp shall provide the county public health unit with a drawing or drawings showing the changes to be made to the existing plans on file at the county public health unit. The drawing or drawings do not have to be drawn to scale or completed by an engineer if the dimensions of the enlarged space or spaces are shown on the drawing. The proposed action shall be approved, if the county public health unit does not object to the proposed consolidation of spaces, either in writing or by telephone, within five working days of the dated receipt of the plans.

(e) Plans for drinking water supplies shall conform with and be submitted in a manner prescribed by Chapter 64E-8 or 62-550, 62-555 and 62-560, F.A.C.

(f) Plans for sewage collection and treatment systems shall conform with and be submitted in a manner prescribed by Chapter 64E-6 or 62-600, F.A.C.

### (3) Fees.

(a) Existing parks and camps that are renewing their annual permits shall pay the annual fee. All other permit applicants, such as those for a change of ownership, reinstatement after revocation of permit, modification of an existing park, those parks qualifying as migrant parks or new establishments permitted after the first quarter shall pay a prorated fee on the remaining quarters of operation. The applicant who operates a park as defined in Chapter 64E-15, F.A.C., that is also regulated as migrant farmworker housing shall only be required to pay a single park fee, unless there have been major deficiencies or uncorrected deficiencies cited by the department or administrative action taken within the past year regarding the requirements for residential migrant housing set forth in Chapter 381, F.S., in which case the applicant shall pay the fee required in Section 381.0084, F.S.

(b) In determining the fee of a recreational camp operating as a commercial establishment, each 2 campers shall be considered equivalent to the occupancy of a tent space or a non self-contained recreational vehicle space. A commercial recreational camp shall pay an annual fee based on \$4.00 per equivalent space which shall not be less than \$100.00, not more than \$600.00. Commercial recreational camp permits for changes of ownership, reinstatements after revocation of permit, or new establishments permitted after December 31, shall pay a prorated fee based on the remaining quarters of an annual operation.

(c) Permit fees shall not be refunded once the permit has been issued.

(d) A mobile home, recreational vehicle and/or lodging park shall pay an annual fee based on \$4.00 per space which shall not be less than \$100.00 not more than \$600.00.

(4) Enforcement. Supplemental to other enforcement remedies, citations for violation of applicable rules shall be issued on DH Form 3159, Citation for Violation, Mobile Home, Recreational Vehicle, and Lodging Park and Recreational Camps Program, which is incorporated herein by reference and furnished by the department through the county health departments.

(5) Inspections. DH Form 4039, 10/09. Mobile Home, Lodging, Recreational Vehicle Park, Recreational Camp and Migrant Park Inspection Report shall be used for inspections of all parks or camps and is herein incorporated by reference and may be obtained from the department at any of the 67 local county health departments in the state.

*Rulemaking Authority 381.0011(13), 381.006, 381.0084, 513.05 FS. Law Implemented 381.006(14), 381.0061, 381.008-.00895, 386.03, 512.065, 513.012, 513.02, 513.03, 513.045, 513.05 FS. History—New 5-20-96, Formerly 10D-26.190, Amended 6-23-98, 1-6-03, 3-4-08, 12-30-09.*

**64E-15.011 Owner's and Operator's Responsibility.**

(1) The recreational vehicle park or camp operator shall inspect daily or provide an individual to inspect daily during periods of operation, the grounds and common use spaces of buildings, structures and tents, including toilets, showers, laundries, mess halls, dormitories, kitchens or any facilities relating to the operation of the park or camp and ensure that each is maintained in a clean and working condition and the buildings are maintained in good repair.

(2) The name(s), telephone number, address or instructions how to locate the camp operator at all times shall be kept posted in a prominent location in the camp.

(3) The recreational camp operator shall be informed of the requirements relative to the reporting and control of communicable diseases and shall notify the county public health unit immediately when outbreaks of communicable disease are suspected or determined.

(4) All recreational camp employees and occupants shall have access to medical care and treatment through the 911 emergency telephone number.

*Rulemaking Authority 381.0011(13), 513.05 FS. Law Implemented 381.006(14), 513.02, 513.05 FS. History—New 5-20-96, Formerly 10D-26.200.*



STATE OF FLORIDA
DEPARTMENT OF HEALTH

APPLICATION FOR MOBILE HOME PARK, MOBILE HOME PARK HOUSING MIGRANT FARMWORKERS,
LODGING PARK, RECREATIONAL VEHICLE PARK AND RECREATIONAL CAMP

Authority: Chapter 513 & 381, FS, Chapter 64E-15, FAC

DATE Current Permit Number

Check type of permit for which application is made. Application is hereby made to the Department of Health for a ( ) mobile home park, ( ) \*mobile home park with farmworkers, ( ) recreational vehicle park, ( ) lodging park, or ( ) recreational camp permit.
\*A mobile home park which houses 5 or more migrant farmworkers.

PERMIT IS REQUIRED AS FOLLOWS:
[ ] Annual Renewal
[ ] Capacity Change: From to spaces
[ ] Ownership change: From to below
[ ] Park or Camp Name Change: From to below
[ ] New or Modified Park or Camp

Name of Park or Camp Telephone
Location of Park or Camp
Owner's Name & Address Telephone
Manager's Name & Address

Table with columns: MOBILE HOME, Migrant Spaces, LODGING, RECREATIONAL VEHICLE (RV, Tent), RECREATIONAL CAMPS (Barracks, Cabins, Tents, Total Occupants)

SANITARY FACILITIES AT RECREATIONAL VEHICLE PARK OR RECREATIONAL CAMP
TOILETS LAVATORIES SHOWERS URINALS WATER SUPPLY STATIONS SEWAGE DUMP STATIONS
MALE FEMALE

It is hereby certified that the water supply system and the sewage system have been installed in accordance with the plans and specifications approved by the Department of Environmental Protection and/or the Department of Health. It is agreed that the undersigned owner and manager is familiar with and will adhere to the provisions of Chapter 513, Florida Statutes, as well as Chapter 64E-15, Florida Administrative Code.

Signature of Owner, Manager or Agent

FOR COMPLETION BY HEALTH DEPARTMENT STAFF

INSTRUCTIONS: Circle the appropriate number that applies to the water system and sewage system being used.

WATER SUPPLY SEWAGE DISPOSAL
[ 1 ] Community Offsite [ 1 ] Municipal
[ 2 ] Community/Public Drinking Water System Onsite [ 2 ] Central System Serving Only Park or Camp
[ 3 ] Non-Community Public Drinking Water System [ 3 ] Septic Tanks or (Other Individual System)
[ 4 ] Non-Transient Non-Community [ 4 ] Combination of Central System & Septic Tank
[ 5 ] Other Public Drinking Water Systems (10D-4) [ 5 ] Combination of Municipal and Septic Tank

RECOMMENDATION: Approval [ ]
Disapproval [ ]

Signature of Health Official